

**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. – November 9, 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 November 9, 2022, at the hour of 8:00 a.m.

ROLL CALL

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

DIRECTORS ABSENT: Treviño.

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

Andy Bullington, Anteneh Tesfaye, Anthony Alberti, Cris Fealy, C Venegas, Dan Arrighi, Dave Michalko, David Muse, Jenny Savron, Jose Martinez, Kelly Gardner, Stephanie Moreno, Steve Kiggins, Victor Magana.

ADOPTION OF AGENDA

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

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

PUBLIC COMMENT

None.

COMMITTEE REPORTS

Next scheduled committee meeting dates are as follows:

- (a) Administration and Finance – January 3, 2023, at 4:00 p.m.
- (b) Water Resources and Facility Management – January 4, 2023 at 4:00 p.m.
- (c) Government Affairs and Community Outreach – November 14, 2022, at 4:00 p.m.

CONSENT CALENDAR

Secretary Garcia moved to approve Consent Calendar items (a) through (d). Vice President Santana seconded the motion, which was approved by the following roll call vote:

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

- (a) Minutes of a regular meeting of the Board of Directors held on October 12, 2022, at 8:00 a.m.
- (b) List of Demands
- (c) Financial Reports – September 2022.
 - 1. Financial Statements.
 - 2. Quarterly Report on District Investments
 - 3. Director’s Public Outreach 22-23
- (d) Resolution No. 11-22-650, Re-ratifying the Proclamation of a State of Emergency by Governor Newsom and Reauthorizing Remote Teleconference Meetings.

**CONSIDER APPROVAL OF GENERAL
 MANAGER’S PERFORMANCE
 EVALUATION AND AMENDED
 CONTRACT.**

Steve O’Neill gave a brief background on the item. He shared that there are three items up for approval on the amended employment contract for the General Manager - adjustment to the salary, term, and medical benefits upon termination without cause or death. Steve reported that any changes made to the benefits for the General Manager have to be adjusted for all employees accordingly. He explained that the recommendation is to make these amendments to the General Manager’s contract and requested the General Manager discuss the proposed amendments.

The General Manager shared that the amendments are as follows:

1. Increase the salary to \$300,000
2. Extend the term of the contract for one year to June 30, 2025
3. Retiree medical benefit adjustment to 60 years of age or 5 years of service under the provision of either termination without cause or death.

Steve O’Neill clarified that this is not a new contract but is in fact an amendment to the existing contract.

Director Fellow moved to approve the motion to amend the General Manager’s contract in the areas of salary, term, and provisional retiree medical benefits. Secretary Garcia seconded the motion, which was approved by the following roll call vote:

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

**EXECUTIVE MANAGEMENT
EMPLOYEES PERSONNEL MANUAL
AND EMPLOYEE HANDBOOK
AMENDMENTS.**

Steve O'Neill gave a brief background on the item. He reported that any changes made to the retiree benefits for the General Manager have to be adjusted for all employees accordingly.

The General Manager clarified that the provisional retiree medical benefits would only apply to employees hired prior to July 1, 2020.

Vice President Santana moved to approve amendments to the Executive Management Employees Personnel Manual related to certain retiree benefits; and instruct staff to incorporate the same changes to the Employee Handbook to be presented for board approval at a future meeting.

Secretary Garcia seconded the motion, which was approved by the following roll call vote:

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

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: the action items for today's meeting, the audit letter, agreement with Kelly Services, and issues related to the new building renovation and move to the new building.

The General Manager requested that District Counsel provide a brief explanation of the Governor's Executive Order related to remote meetings. District Counsel reported that the board has been meeting according to AB 361. He shared that a declared state of emergency and local health officials requesting social distancing measures are the main provisions for allowing remote meetings. District Counsel added that the Governor is rescinding the state of emergency in February 2023 which will remove the condition allowing use of AB 361. He shared that there has been some legislation recently allowing remote meetings under very specific conditions. He explained that in February 2023, there will be two ways to meet remotely. One is through the pre-pandemic Brown Act which allows Directors to participate remotely as long as the location is made available to the public and noticed on the agenda, and the agenda be posted at that location. The other option is through AB 2449 which allows for remote participation but does not require making the location available to the public. However, AB 2449 requires the Director show just cause or an emergency for that provision. The just cause is highly specific but includes childcare and health issues and limits the number of times the Director is able to utilize remote participation. District Counsel stated that he prepared a summary for the Board to serve as reference for future meetings.

ENGINEER'S REPORT

The District Engineer provided a report on hydrologic conditions, basin deliveries, reservoir storage, and rainfall averages. He reported that the recent storm provided approximately 5 inches of rain, considered high for this time of year. He shared that the about 15,000 acre feet of health and safety water was delivered during October. He stated that the Baldwin Park Key Well groundwater elevation was 177.8 feet as of November 4, 2022, noting about a foot increase in the Key Well.

He then reported that no notices of wells shutdown due to contamination were received during the month of October 2022.

The following is a summary of contamination ranges found in samples under Title 22 from 10 wells during September 2022.

<u>Contaminant</u>	<u>Range (ppb)</u>	<u>MCL (ppb)</u>
PCE	ND – 0.8	5*
TCE	ND	5*

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

GENERAL MANAGER’S REPORT

The General Manager reported that Upper District has transitioned to the new building, commending staff on their hard work to get to this point. He shared that there are still some issues with the contract and contractor, but they are being worked through at this point.

The General Manager reported that Metropolitan has supplied some scenarios for next year to address the water supply issues. He shared that it is very likely that some form of allocation will happen over the whole service area depending on the SWP allocation. He explained that the drought actions and water supply will be discussed in more detail at the Watermaster Basin Management Committee Meeting.

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

METROPOLITAN REPORT

Director Fellow reported that Metropolitan met over the past two days discussing minor issues and two former Directors that recently passed away, Phil Hawkins and Phil Pace. He requested that the Board adjourn the meeting in honor of these two former Metropolitan Directors.

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

WATER QUALITY AUTHORITY REPORT

President Chavez reported that there is a vacancy on the WQA board for an alternate. He explained that this seat will be voted on by pumping right holders throughout the region and weighed based on the amount of pumping rights each holds. He added that the ballots have been mailed out and that he will share the election results as they conclude.

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 Fellow wished Steve Johnson a happy birthday and congratulated Director Santana on her election results.

Director Garcia shared how thankful she was for the rain over the last two days and how excited she is about the new building. She expressed her appreciation for the hard work of staff during this time.

Director Santana thanked Director Fellow and congratulated him on his election results as well. She shared that the new building was one of her priorities and she is happy that the transition has taken place.

President Chavez congratulated the winners on the election results from last night. He then requested that the Board also adjourn in memory of Elsie Lopez, his mother-in-law, who passed away recently.

FUTURE AGENDA ITEMS

None.

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 adjourned in memory of Phil Hawkins, Phil Pace, and Elsie Lopez to a special meeting of the Board of Directors to be held on December 7, 2022, at 8:00 a.m. via teleconference or the most rapid means of communication available at the time.

ATTEST

PRESIDENT

SECRETARY

SEAL

Attachment 1
Consent Item 6 (b)
November 9, 2022

Demands numbered 21740 through 21779 on the General Fund Account of the Upper District at Citizens Business Bank totaling \$702,619.95 and demands numbered 1065 through 1072 on the Water Fund Account at the same bank in the amount of \$820,250.61.

21740	Void	Printer Error	\$	-
21741	David Zuniga	Inv. 0008, VIP Catering, WaterFest 2022 <i>(Previously paid 10/12/22)</i>		1,761.75
21742	Void	Printer Error		-
21743	American Restore	Inv. 09/14/22Q, 10% Deposit, Stair Coating for New Building <i>(Previously paid 10/12/22)</i>		3,469.30
21744	Orbit Event Rentals, Inc.	Inv. 49644-2, 2nd Payment, WaterFest 2022 <i>(Previously paid 10/14/22)</i>		13,000.00
21745	B and H Signs	Inv. 7698Q, 50% Deposit, Plaque & Portrait Poster <i>(Previously paid 10/19/22)</i>		2,994.78
21746	Unisource Solutions, Inc.	Inv. 32366, 50% Deposit, Moving Services <i>(Previously paid 10/19/22)</i>		11,800.00
21747	Unisource Solutions, Inc.	Inv. 32366A, Final Payment, Moving Services <i>(Previously paid 11/02/22)</i>		11,800.00
21748	Marjani Builders, Inc.	Inv. APP8, District Tenant Improvement Project <i>(Board approved 02/09/22. Previously paid 10/24/22)</i>		299,883.65
21749	Aaron Read & Associates, LLC	Inv. 212360, State Legislative Advocacy Services, September 2022 <i>(Board approved 12/09/20)</i>		10,000.00
21750	Accent Computer Solutions, Inc.	Inv. 152707, IT Management Support - August 2022 Inv. 153773, IT Management Support - September 2022 Inv. 154173, IT Management Support - October 2022 Inv. 154660, IT Management Support - November 2022	3,093.13 1,956.52 1,954.44 <u>2,973.19</u>	9,977.28
21751	ACI Consulting Corporation	Inv. IN-004191, Sage Consulting Services, October 2022		637.50
21752	ACWA	Inv. 2023, 2023 Annual Agency Dues		21,185.00
21753	ACWA/JPIA	Inv. 0693766, Health Insurance Premium - November 2022		26,591.05
21754	Aleshire & Wynder, LLP	Professional Services, September 2022 Inv. 70914, Retainer Inv. 70915, Transactional Fees Inv 70916, Transactional Fees	4,267.00 39.40 <u>5,420.10</u>	9,726.50
21755	Best, Best & Krieger, LLP	Inv. 947112, Lobbying Services through September 30, 2022 <i>(Board approved 12/09/20)</i>		7,500.00
21756	B and H Signs	Inv. 20015, Final Payment, Plaque & Portrait Poster		2,994.78
21757	BizFed	Inv. 4854, 2023 Membership Dues		6,000.00
21758	California Special Districts Association	Inv. 2023, 2023 Membership Dues		8,810.00
21759	Clear Channel Outdoor	Inv. 13153035, 09/26/22 - 10/23/22 WaterFest 2022 Ads		22,000.00
21760	Downtown Arcadia Improvement Association	Inv. Q4 Sponsorship, Halloween Haunting Fair Sponsorship		500.00
21761	Ecotech Services, Inc.	Inv. 2421, Water Bottle Fill Station, September 2022		7,500.00
21762	G3LA, LLC	Inv. 1051, Water Conservation Webinar, September 2022 Inv. 1059, Water Conservation Webinar & Flyers, October 2022	1,500.00 <u>1,750.00</u>	3,250.00

21763	Green Media Creations	Inv. 1642, September 2022, Video Editing & Voiceover, WaterFest 2022		500.00
21764	Joey C. Soto	Inv. #96, Grant Writing Services, September 2022		1,122.50
21765	Kelly Services, Inc.	Temporary Staff Services Inv. 4202729722, W/E 10/15/22 <i>(Board approved 02/07/19)</i>		615.43
21766	Land's End Business Outfitters	Inv. SIN 10604919, WaterFest 2022 Logo Items		462.08
21767	Orbit Event Rentals, Inc.	Inv. 49644-3, Final Payment, WaterFest 2022		1,649.87
21768	Rogers, Anderson, Malody and Scott, LLP	Inv. 71411, Progress Billing for FY 21/22 Audit - September 2022 <i>(Board approved 02/09/22)</i>		11,500.00
21769	Spectrum Reach/Charter	Inv. 860006549, WaterFest 2022 Save the Date Ads Inv. 860000548, WaterFest 2022 Save the Date Ads	1,500.00 <u>1,787.80</u>	3,287.80
21770	Stetson Engineers, Inc.	Inv. 2533-198, General Engineering Support Services, September 2022		16,303.41
21771	Upper District Payroll Fund	Inv. SEP 22, Reimbursement for Payroll and Payroll Taxes for Employees Inv. SEP 22D, Reimbursement for Payroll Taxes for Directors	117,948.96 <u>18,871.77</u>	136,820.73
21772	U.S. Bank Corporate Payment System	CalCard Changes through 10/22/22 Membership/Other Meetings, Travel, Conferences Computer Systems/Office Equipment/Supplies/Maintenance & Service/Utilities Conservation Program Expenses, Education and Outreach	1,794.91 1,966.58 9,851.14 <u>12,602.20</u>	26,214.83
21773	Versatel	Inv. 22631Q, Telephone Relocation		2,001.56
21774	Via Promotionals, Inc.	Inv. 20491, WaterFest 2022 Logo Items		670.14
21775	Wateruse Association	Inv. D47327, 2023 Membership Dues		15,015.00
21776	WLC Architects	Inv. 21, Construction Administration Services, September 2022 <i>(Board approved 08/12/20)</i>		2,250.00
21777	Edward L. Chavez	Director's Compensation, October 2022 10 Days District Business Meeting/Travel Expenses/Allowance Less Deferred Comp. Less Taxes Withheld	2,550.00 516.87 (1,610.00) <u>(1,401.77)</u>	55.10
21778	Charles M. Treviño	Director's Compensation, October 2022 10 Days District Business Meeting/Travel Expenses/Allowance Less Deferred Comp. Less Taxes Withheld	2,550.00 377.87 (500.00) <u>(539.01)</u>	1,888.86
21779	Jennifer Santana	Director's Compensation, October 2022 4 Days District Business Meeting/Travel Expenses/Allowance Less Deferred Comp. Less Taxes Withheld	1,020.00 516.87 (500.00) <u>(155.82)</u>	881.05
			TOTAL	<u>\$ 702,619.95</u>

1065	Central Basin MWD	Invoice No. USGV-SEP22, Purchase of 6.8 AF of Recycled Water in August 2022 <i>(Previously paid 11/02/22)</i>	\$	4,939.86
1066	City of Industry City Hall	Invoice No. SEP-22, Purchase of 77.3 AF of Recycled Water in September 2022		24,426.80
1067	City of Industry City Hall	Invoice No. SEP-22CIP, CIP Charge for September 2022 @ \$98 per AF		7,575.40
1068	Metropolitan Water District	Invoice No. 10924, Purchase of 415.9 AF of Treated Water in September 2022		451,258.64
1069	San Gabriel Valley MWD	Invoice No. 545, 77.75 AF of Water Delivered through the Alhambra/MWD Exchange Agreement in September 2022 @ \$200 per AF		15,550.00
1070	San Gabriel Valley Water Company	Invoice No. 22-22271, O&M Cost for FY 2021-22		26,274.60
1071	Suburban Water System	Invoice No. 6702, Phase IIB Normal Operating Charge, October 2022		1,667.76
1072	Sanitation District of Los Angeles County	Invoice No. 37769, Contract No. 4101 & 4101A - Fiscal Year 2021/22 Purchase of 1,797.38 AF of Recycled Water Chlorine Residual Chemical Cost Pump Operation & Maintenance	\$	267,791.65 8,915.00 <u>11,850.90</u>
			TOTAL	\$ <u>820,250.61</u>