



WEST VALLEY WATER DISTRICT  
855 W. BASE LINE ROAD, RIALTO, CA 92376  
PH: (909) 875-1804 FAX: (909) 875-1849

REGULAR BOARD MEETING  
AGENDA

THURSDAY, DECEMBER 2, 2021  
CLOSED SESSION - 6:00 PM • OPEN SESSION – 6:30 PM

BOARD OF DIRECTORS

Channing Hawkins, President  
Kyle Crowther, Vice President  
Dr. Michael Taylor, Director  
Greg Young, Director  
Dr. Clifford Young, Director

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"In order to comply with legal requirements for posting of agendas, only those items filed with the District Secretary's office by noon, on Wednesday a week prior to the following Thursday meeting, not requiring departmental investigation, will be considered by the Board of Directors."

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On March 4, 2020, Governor Newsom declared a State of Emergency resulting from the threat of COVID-19. On September 16, 2021, Governor Newsom signed Assembly Bill No. 361 into law. Assembly Bill No. 361 amends Government Code section 54953(e) by adding provisions for remote teleconferencing participation in meetings by members of a legislative body, without the requirements of Government Code section 54953(b)(3), subject to the existence of certain conditions. The West Valley Water District adopted a resolution determining, by majority vote, that, as a result of the declared State of Emergency, a meeting in person would present imminent risks to the health or safety of attendees. Accordingly, it has been determined that all Board and Workshop meetings of the West Valley Water District will be held pursuant to Assembly Bill No. 361, the Brown Act and will be conducted via teleconference. There will be no public access to the meeting venue. Members of the public may listen and provide public comment via telephone by calling the following number and access code: Dial: (888) 475-4499, Access Code: 840-293-7790 or you may join the meeting using Zoom by clicking this link: <https://us02web.zoom.us/j/8402937790>. Public comment may also be submitted via email to the Board Secretary, Peggy Asche at [peggy@wvwd.org](mailto:peggy@wvwd.org). If you require additional assistance, please contact [peggy@wvwd.org](mailto:peggy@wvwd.org).

## OPENING CEREMONIES

Call to Order  
Pledge of Allegiance  
Opening Prayer  
Roll Call of Board Members

## ADOPT AGENDA

## PUBLIC PARTICIPATION

*Any person wishing to speak to the Board of Directors on matters listed or not listed on the agenda, within its jurisdiction, is asked to complete a Speaker Card and submit it to the District Clerk. Each speaker is limited to three (3) minutes. Under the State of California Brown Act, the Board of Directors is prohibited from discussing or taking action on any item not listed on the posted agenda. Comments related to noticed Public Hearing(s) and Business Matters will be heard during the occurrence of the item.*

***Public communication is the time for anyone to address the Board on any agenda item or anything under the jurisdiction of the District. Also, please remember that no disruptions from the crowd will be tolerated. If someone disrupts the meeting, they will be removed.***

## PUBLIC HEARING

Now is the time and place as specified in the Notice dated November 18, 2021, and December 2, 2021, in the Inland Empire Community Newspaper and El Chicano Newspapers, to hold the Public meeting concerning the 2021 Redistricting.

## CONSENT CALENDAR

*All matters listed under the Consent Calendar are considered routine and will be enacted by one vote. There will be no separate discussion of these items unless a member of the Board of Directors, Staff Member, or any member of the public request a specific item(s) be removed for separate action.*

### Consideration of:

1. November 4, 2021, Regular Board Meeting Minutes. **(Page No. 5)**
2. Adopt Resolution No. 2021-31, Proclaiming a Local Emergency, Ratifying the Proclamation of a State of Emergency by Governor Gavin Newsom on March 4, 2020, and Authorizing Remote Teleconference Meetings of the Legislative Bodies of West Valley Water District for the Period December 14, 2021, through January 14, 2022, Pursuant to Brown Act Provisions. **(Page No. 9)**
3. 2022 Holiday Schedule. **(Page No. 14)**

## BUSINESS MATTERS

### Consideration of:

4. Adopt Resolution No. 2021-29, 2021 Redistricting. **(Page No. 16)**
5. Annual Board Reorganization Per Board of Directors Policies and Procedures Manual, Adopted October 20, 2020, Section 7.4 Annual Reorganization Meeting. **(Page No. 23)**
6. Adopt Resolution No. 2021-30, Amending Schedule “B” Standing Committees and Schedule “C” Outside Meetings of Ordinance No. 86, Compensation and Policies Related to Board Activities. **(Page No. 26)**
7. Discussion of Filling Board of Director Vacancy. **(Page No. 43)**

**REPORTS - LIMITED TO 5 MINUTES MAXIMUM (Presentations or handouts must be provided to Board Members in advance of the Board Meeting).**

1. **Board Members**
2. **General Manager**
3. **Legal Counsel**

#### **UPCOMING MEETINGS**

1. December 7, 2021 - San Bernardino Valley Municipal Water District Regular Board Meeting at 2:00 p.m., 380 E. Vanderbilt Way, San Bernardino, CA 92408.
2. December 8, 2021 - West Valley Water District Finance Committee Meeting at 1:00 p.m., at District Headquarters.
3. December 8, 2021 - West Valley Water District Engineering, Operations & Planning Committee at 6:00 p.m., at District Headquarters.
4. December 9, 2021 – West Valley Water District External Affairs Committee Meeting at 6:00 p.m., at District Headquarters.
5. December 13, 2021 - West Valley Water District Human Resources Committee Meeting at 6:00 p.m., at District Headquarters.
6. December 14, 2021 – West Valley Water District Safety & Technology Committee Meeting at 6:00 p.m., at District Headquarters.
7. December 16, 2021 – West Valley Water District Regular Board of Directors Meeting at 6:45 p.m. (6:00 p.m. Closed Session), at District Headquarters.
8. December 21, 2021 – San Bernardino Valley Municipal Water District Regular Board Meeting at 2:00 p.m., 380 E. Vanderbilt Way, San Bernardino, CA 92408.
9. December 23, 2021, through January 2, 2022, District Office **CLOSED** for the Holidays.
10. December 28, 2021 - West Valley Water District Policy Review & Oversight Committee Meeting at 6:00 p.m., at District Headquarters.

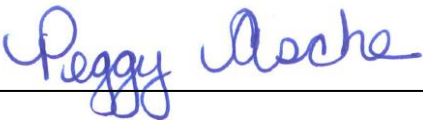
## CLOSED SESSION

- CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION – Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Section 54956.9(b): Number of Cases: Four (4).
- CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION – San Bernardino County vs. West Valley Water District et al. Case No. CIV SB 2113136.

## ADJOURN

### DECLARATION OF POSTING:

I declare under penalty of perjury, that I am employed by the West Valley Water District and posted the foregoing Agenda at the District Offices on November 29, 2021.



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Peggy Asche, Board Secretary

### Please Note:

Material related to an item on this Agenda submitted to the Board after distribution of the agenda packet are available for public inspection in the District's office located at 855 W. Baseline, Rialto, during normal business hours. Also, such documents are available on the District's website at [www.wvwd.org](http://www.wvwd.org) subject to staff's ability to post the documents before the meeting.

Pursuant to Government Code Section 54954.2(a), any request for a disability-related modification or accommodation, including auxiliary aids or services, in order to attend or participate in the above-agendized public meeting should be directed to Peggy Asche, at least 72 hours in advance of the meeting to ensure availability of the requested service or accommodation. Ms. Asche may be contacted by telephone at (909) 875-1804 ext. 703, or in writing at the West Valley Water District, P.O. Box 920, Rialto, CA 92377-0920.

**MINUTES**  
**REGULAR BOARD MEETING**  
of the  
**WEST VALLEY WATER DISTRICT**  
November 4, 2021

Attendee Name	Present	Excused	Absent
Board of Directors			
Channing Hawkins	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Michael Taylor	<input checked="" type="checkbox"/> remote	<input type="checkbox"/>	<input type="checkbox"/>
Kyle Crowther <i>Attended Closed Session Only</i>	<input checked="" type="checkbox"/> remote	<input type="checkbox"/>	<input type="checkbox"/>
Clifford Young <i>Attended Closed Session Only</i>	<input checked="" type="checkbox"/> remote	<input type="checkbox"/>	<input type="checkbox"/>
Gregory Young	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Staff			
Shamindra Manbahal	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Van Jew	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Naseem Farooqi	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Haydee Sainz	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Peggy Asche	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Linda Jadeski	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jon Stephenson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Joanne Chan	<input checked="" type="checkbox"/> remote	<input type="checkbox"/>	<input type="checkbox"/>
Albert Clinger	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jose Velasquez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Legal Counsel			
Robert Tafoya	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**OPENING CEREMONIES**

- Pledge of Allegiance – Led by Director Greg Young
- Opening Prayer – Led by Pastor Moore, Loveland Church
- Call to Order
- Roll Call of Board Members

**ADOPT AGENDA**

Director Dr. Greg Young motioned to adopt the agenda as is and Director Dr. Michael Taylor second the motion. Hearing no discussion, the following vote was taken:

WVWD

Minutes: 11/4/21

<b>RESULT:</b>	<b>APPROVED [3 TO 0]</b>
<b>MOVER:</b>	Gregory Young, Director
<b>SECONDER:</b>	Michael Taylor, Director
<b>AYES:</b>	Channing Hawkins, Michael Taylor, Gregory Young
<b>AWAY:</b>	Kyle Crowther, Clifford Young

**PUBLIC PARTICIPATION**

Peggy Asche, Board Secretary, stated that no requests were received to speak via email. President Channing Hawkins inquired if anyone from the public would like to speak. There were no comments.

**PRESENTATION**

- **Oliver P. Roemer Water Filtration Facility Expansion Update.**

Linda Jadeski, Director of Engineering, provided a brief update on the expansion at the Oliver P. Roemer Water Filtration Facility project. The district has received four (4) statements of qualifications from a designed build firm that would like to participate in the construction of the facility. A five (5) member panel reviewed all qualifications and narrowed it down to three (3) firms. Those three firms will further the design and provide the 30% design to 60% guaranteed maximum price. The project funding for the SRF Loan Package has all been submitted. Comments have been provided to the design criteria report to GHD and will be part of the RFP issued to three design build teams. Currently reviewing the draft RFP and design build contract. Mrs. Jadeski stated this concluded her report and asked if there were any questions. Director Dr Michael Taylor inquired the cost of the project and asked if all contractors have been screened and reiterated that it be brought to the Board for approval. Mr. Manbabal stated it is approximately \$47 million and the district is diligently working on the financing part of it and will be at least three to four months before it is ready to bring to the full Board with staff's recommendation for approval. There were no further questions and President Hawkins thanked Mrs. Jadeski for her presentation.

**CONSENT CALENDAR**

Director Dr. Greg Young motioned to adopt the Consent Calendar and Director Dr. Michael Taylor second the motion. Hearing no discussion, the following vote was taken:

<b>RESULT:</b>	<b>ADOPTED [3 TO 0]</b>
<b>MOVER:</b>	Gregory Young, Director
<b>SECONDER:</b>	Michael Taylor, Director
<b>AYES:</b>	Channing Hawkins, Michael Taylor, Gregory Young
<b>AWAY:</b>	Kyle Crowther, Clifford Young

**1. OCTOBER 14, 2021 - REGULAR BOARD MEETING MINUTES.**

WVWD

Minutes: 11/4/21

2. **ADOPT RESOLUTION NO. 2021-28 – PROCLAIMING A LOCAL EMERGENCY, RATIFYING THE PROCLAMATION OF A STATE OF EMERGENCY BY GOVERNOR GAVIN NEWSOM ON MARCH 4, 2020, AND AUTHORIZING REMOTE TELECONFERENCE MEETINGS OF THE LEGISLATIVE BODIES OF WEST VALLEY WATER DISTRICT FOR THE PERIOD NOVEMBER 14, 2021, THROUGH DECEMBER 14, 2021, PURSUANT TO BROWN ACT PROVISIONS.**

## **BUSINESS MATTERS**

None

**REPORTS - LIMITED TO 5 MINUTES MAXIMUM (Presentations or handouts must be provided to Board Members in advance of the Board Meeting).**

### **1. Board Members**

- President Hawkins wanted to recognize the Diwali holiday – Festival of Lights.
- Director Greg Young asked for continued prayers for his family and wished all the Veteran's a happy Veteran's Day.

### **2. General Manager**

- Shamindra Manbahal shared with the Board some slides of the employees who celebrated Halloween with a potluck luncheon and a Halloween costume contest.

### **3. Legal Counsel**

- Mr. Robert Tafoya reported out of Closed Session stating that the Board considered multiple items, however, no final actions were taken on the items.

## **CLOSED SESSION**

- **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION –** Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Section 54956.9(b): Number of Cases: Three (3).
- **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION –** San Bernardino County vs. West Valley Water District et al. Case No. CIV SB 2113136.
- **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION -** Pursuant to Paragraph One (1) of Subdivision (d) of the Government Code Section 54956.9 Case Name: Nadia Loukeh. vs. West Valley Water District, Case No. CIVSB2116242.

WVWD

Minutes: 11/4/21

- CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION - Pursuant to Paragraph One (1) of Subdivision (d) of the Government Code Section 54956.9 Case Name: Diana Gunn. vs. West Valley Water District, Case No. CIVSB2117195.
- CONFERENCE WITH REAL PROPERTY NEGOTIATIONS (54956.8) – Potential Property Sale for Well No. 20 Property, 17553 Slover Ave., and 17567 Slover Ave., Bloomington, CA - APN NO's 0256-021-03 and 0256-021-04.

## **ADJOURN**

There being no further business, the meeting adjourned at 7:01 p.m.

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**Channing Hawkins**  
**President of the Board of Directors**  
**of West Valley Water District**

## **ATTEST:**

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**Peggy Asche, Board Secretary**

WVWD

Minutes: 11/4/21





**BOARD OF DIRECTORS  
STAFF REPORT**

**DATE:** December 2, 2021  
**TO:** Board of Directors  
**FROM:** Shamindra Manbahal, General Manager  
**SUBJECT:** ADOPT RESOLUTION NO. 2021-31 - REMOTE MEETINGS

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This item was brought to the Board of Directors during the November 4, 2021, Regular Board of Director's meeting as a method to continue remote teleconference meetings at West Valley Water District in accordance with the Brown Act. During that meeting, the Board of Directors approved a Resolution to continue remote teleconference meetings of West Valley Water District and will continue to evaluate the situation and renew this Resolution every 30-days thereafter until it is decided the resolution will no longer be needed.

**BACKGROUND:**

On March 17, 2020, due to the COVID-19 global pandemic emergency, Governor Newsom issued Executive Order N-29-20, which allowed local agencies to hold meetings via teleconferences and to make meetings accessible electronically without violating the open meetings laws in the Brown Act by relaxing the teleconferencing rules.

On June 11, 2021, Governor Newsom issued Executive Order N-08-21, which replaced the text in Executive Order N-29-20. Executive Order N-08-21 stated the relaxed Brown Act provisions shall apply through September 30, 2021.

The recently signed Assembly Bill No. 361 provides additional flexibility for local agencies looking to meet remotely in order to continue providing the public with essential services during a proclaimed state of emergency. The goal of Assembly Bill No. 361 is "to improve 82 and enhance public access to state and local agency meetings during the COVID-19 pandemic and future emergencies by allowing broader access through teleconferencing options."

Assembly Bill No. 361 allows a local agency to use teleconferencing without complying with certain Brown Act provisions in any of the following circumstances:

1. The legislative body holds a meeting during a proclaimed state of emergency, and state or local officials have imposed or recommended measures to promote social distancing.
2. The legislative body holds a meeting during a proclaimed state of emergency for the purpose of determining, by majority vote, whether as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

3. The legislative body holds a meeting during a proclaimed state of emergency and has determined, by majority vote that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

Assembly Bill No. 361 will be in effect on October 1, 2021. A local agency is authorized to use teleconferencing without complying with the teleconferencing requirements in the Brown Act when meetings are held during a declared state of emergency until January 1, 2024. In order to do so, the local agency must adopt a Resolution making the following findings by majority vote:

1. The legislative body has considered the circumstances of the state-of-emergency; and
2. Any of the following circumstances exist:
  - a. The state-of-emergency continues to directly impact the ability of the members to meet safely in person; or
  - b. State or local officials continue to impose or recommend measures to promote social distancing.
  - c. When there is a continuing state of emergency, or when state or local officials have imposed or recommended measures to promote social distancing, the bill would require a legislative body to make specified findings not later than 30 days after the first teleconferenced meeting pursuant to these provisions, and to make those findings every 30 days thereafter in order to continue to meet under these abbreviated teleconferencing procedures.

**FISCAL IMPACT:**

None

**STAFF RECOMMENDATION:**

Adopt Resolution No. 2021-31, authorizing remote teleconference of the legislative bodies of West Valley Water District for the period December 14, 2021, through January 14, 2022.

**Attachment**

Resolution No. 2021-31

Respectfully Submitted,

*Shamindra Manbahal*

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Shamindra Manbahal, General Manager

SM:pa

**ATTACHMENT(S):**

1. Resolution No. 2021-31

**RESOLUTION NO. 2021-31  
A RESOLUTION OF THE BOARD OF DIRECTORS  
OF THE WEST VALLEY WATER DISTRICT  
PROCLAIMING A LOCAL EMERGENCY, RATIFYING THE PROCLAMATION  
OF A STATE OF EMERGENCY BY GOVERNOR GAVIN NEWSOM ON  
MARCH 4, 2020, AND AUTHORIZING REMOTE TELECONFERENCE MEETINGS  
OF THE LEGISLATIVE BODIES OF WEST VALLEY WATER DISTRICT FOR THE  
PERIOD DECEMBER 14, 2021, THROUGH JANUARY 14, 2022,  
PURSUANT TO BROWN ACT PROVISIONS**

**WHEREAS**, West Valley Water District is committed to preserving and nurturing public access and participation in meetings of the Board of Directors; and

**WHEREAS**, all meetings of the West Valley Water District's legislative bodies are open and public, as required by the Ralph M. Brown Act (Gov't Code § 54950 et seq.), so that any member of the public may attend, participate, and watch the district's legislative bodies conduct their business; and

**WHEREAS**, the Brown Act, Government Code section 54950(e), makes provisions for remote teleconferencing participation in meetings by members of a legislative body, without compliance with the requirements of Government Code section 54953(b)(3), subject to the existence of certain conditions; and

**WHEREAS**, a required condition is that a state of emergency is declared by the Governor pursuant to Government Code section 8625, proclaiming the existence of conditions of disaster or of extreme peril to the safety of persons and property within the state caused by conditions as described in Government Code section 8558; and

**WHEREAS**, a proclamation is made when there is an actual incident, threat of disaster, or extreme peril to the safety of persons and property within the jurisdictions that are within the district's boundaries, caused by natural, technological, or human-caused disasters; and

**WHEREAS**, it is further required that state or local officials have imposed or recommended measures to promote social distancing, or the state of emergency continues to directly impact the ability of the members to meet safely in person; and

**WHEREAS**, such conditions now exist in the district, specifically, a state of emergency has been proclaimed due to an outbreak of respiratory illness due to a novel coronavirus (a disease now known as COVID-19); and

**WHEREAS**, the San Bernardino County Department of Health has recommended measures to promote social distancing; and

**WHEREAS**, the Board of Directors has determined that the state of emergency continues to directly impact the ability of the members to meet safely in person; and

**WHEREAS**, the Board of Directors does hereby find that the current state of emergency with respect to COVID-19, local official recommendations to promote social distancing, and conditions causing imminent risk to the health and safety of attendees have caused, and will

continue to cause, conditions of peril to the safety of persons with the district that are likely to be beyond the control of services, personnel, equipment, and facilities of the district, and desires to proclaim a local emergency and ratify the proclamation of state of emergency by the Governor of the State of California; and

**WHEREAS**, as a consequence of the local emergency, the Board of Directors does hereby find that the legislative bodies of West Valley Water District shall conduct their meetings without compliance with paragraph (3) of subdivision (b) of Government Code section 54953, as authorized by subdivision (e) of section 54953, and that such legislative bodies shall comply with the requirements to provide the public with access to the meetings as prescribed in paragraph (2) of subdivision (e) of section 54953;

**NOW, THEREFORE, BE IT RESOLVED THAT THE BOARD OF DIRECTORS OF THE WEST VALLEY WATER DISTRICT** as follows:

**Section 1. Recitals** The Recitals set forth above are true and correct and are incorporated into this Resolution by this reference.

**Section 2. Proclamation of Local Emergency.** The Board hereby proclaims that a local emergency now exists throughout the district and declares that meeting in person would not comply with local official recommendations to promote social distancing and would present imminent risk to the health and safety of attendees.

**Section 3. Ratification of Governor's Proclamation of a State of Emergency.** The Board hereby ratifies the Governor of the State of California's Proclamation of a State of Emergency, effective as of its issuance date of March 4, 2020.

**Section 4. Remote Teleconference Meetings.** The General Manager and legislative bodies of the West Valley Water District are hereby authorized and directed to take all actions necessary to carry out the intent and purpose of this Resolution including, conducting open and public meetings in accordance with Government Code section 54953(e) and other applicable provisions of the Brown Act.

**Section 5. Effective Date of Resolution.** This Resolution shall take effect on December 14, 2021, and shall be effective until the earlier of (a) January 14, 2022, or (b) such time the Board of Directors adopts a subsequent resolution in accordance with Government Code section 54953(e)(3) to extend the time during which the legislative bodies of the West Valley Water District may continue to teleconference without compliance with paragraph (3) of subdivision (b) of section 54953.

**ADOPTED, this \_\_\_\_\_ day of \_\_\_\_\_, 2021.**

\_\_\_\_\_  
Channing Hawkins  
President of the Board of Directors  
West Valley Water District

\_\_\_\_\_  
Peggy Asche  
Board Secretary



**BOARD OF DIRECTORS  
STAFF REPORT**

**DATE:** December 2, 2021  
**TO:** Board of Directors  
**FROM:** Shamindra Manbahal, General Manager  
**SUBJECT:** 2022 HOLIDAY SCHEDULE

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**BACKGROUND:**

Staff prepared the attached 2022 Calendar Holiday Schedule that reflects approved observed holidays for all full-time employees. In the event of a conflict or discrepancy, the applicable employee Memorandum of Understanding (MOU) supersedes this schedule.

**FISCAL IMPACT:**

None.

**STAFF RECOMMENDATION:**

Staff recommends that this item be submitted for consideration, and that the Board of Directors approve this item and authorize the General Manager to execute the necessary documents.

Respectfully Submitted,

*Shamindra Manbahal*

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Shamindra Manbahal, General Manager

SM:hs

**ATTACHMENT(S):**

1. Holiday Schedule 2022 final



**CALENDAR YEAR 2022  
HOLIDAY SCHEDULE**

<b>Saturday, January 1, 2022</b>	<b>New Year's Day (Observed Friday December 31, 2021)</b>
<b>Monday, January 17, 2022</b>	<b>Martin Luther King Jr.</b>
<b>Monday, February 21, 2022</b>	<b>President's Day</b>
<b>Monday, May 30, 2022</b>	<b>Memorial Day</b>
<b>Monday, July 4, 2022</b>	<b>Independence Day</b>
<b>Monday, September 5, 2022</b>	<b>Labor Day</b>
<b>Friday, November 11, 2022</b>	<b>Veteran's Day</b>
<b>Thursday, November 24, 2022</b>	<b>Thanksgiving Day</b>
<b>Friday, November 25, 2022</b>	<b>Day after Thanksgiving</b>
<b>Saturday, December 24, 2022</b>	<b>Day before Christmas (Observed Friday, December 23, 2022)</b>
<b>Sunday, December 25, 2022</b>	<b>Christmas Day (Observed Monday, December 26, 2022)</b>



**BOARD OF DIRECTORS  
STAFF REPORT**

**DATE:** December 2, 2021  
**TO:** Board of Directors  
**FROM:** Shamindra Manbahal, General Manager  
**SUBJECT:** RESOLUTION NO. 2021-29 - REDISTRICTING

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**BACKGROUND:**

At the November 18, 2021, Board meeting, Lucien Partners provided a PowerPoint of the district's demographic/redistricting with two draft proposals to adjust the population imbalance of the existing divisions (Plans A2 and C). The Board was asked to give consideration to the following factors: topography, geography, cohesiveness, contiguity, integrity, compactness of territory and community of interest of the division. Thereafter, the Board requested that the district's demographic/redistricting consultants present additional options for its consideration primarily modeled on Plan C. Please review the three additional mapping options for the Board's and public's consideration.

**FISCAL IMPACT:**

There is no fiscal impact.

**STAFF RECOMMENDATION:**

Review proposed maps drafted by Lucien Partners, as well as provide direction.

Respectfully Submitted,

*Shamindra Manbahal*

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Shamindra Manbahal, General Manager



SM:pa

**ATTACHMENT(S):**

1. Resolution No. 2021-29 - Adopting Director Divisions

**RESOLUTION NO. 2021-29**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE WEST VALLEY WATER DISTRICT RE-ALIGNING OF DIRECTOR DIVISIONS PURSUANT TO WATER CODE SECTION 71540 AND ELECTIONS CODE SECTION 22000**

**WHEREAS**, in 2018, the Board of Directors of the West Valley Water District (“Water District” or “WVWD”) adopted Resolution No. 2018-26, transitioning elections for its governing board from at-large voting to “by-division” elections, *i.e.*, elections in which candidates for the District’s governing board (the “Board”) must reside within a specific geographic subarea of the District called a “director division” and are only elected by the voters residing in that electoral division, and approving the lines for such divisions; and

**WHEREAS**, Water Code section 71540 provides, “The board of directors shall, by resolution, adjust the boundaries of any divisions pursuant to Chapter 8 (commencing with Section 22000) of Division 21 of the Elections Code”; and

**WHEREAS**, Section 22000(a) of the Elections Code provides in relevant part:

Each district required by its authorizing act to adjust division boundaries pursuant to this section shall, by resolution, after each federal decennial census, and using that census as a basis, adjust the boundaries of any divisions so that the divisions are, as far as practicable, equal in population and in compliance with Section 10301 of Title 52 of the United States Code, as amended, to the extent those provisions apply. In adjusting the boundaries of the divisions, the board may give consideration to the following factors: (1) topography, (2) geography, (3) cohesiveness, contiguity, integrity, and compactness of territory, and (4) community of interests of the division.

**WHEREAS**, to comply with these statutory requirements, the District has retained experienced legal counsel and demographic consultants to advise it on the process of re-aligning the existing director divisions and to prepare draft director division maps.

**WHEREAS**, on October 14, 2021, the Board and the public received a presentation from the District’s legal counsel regarding the procedures and legal and policy criteria governing redistricting, and a presentation from the District’s redistricting consultant regarding public outreach; and

**WHEREAS**, following the presentation on October 14, the Water District conducted five community input workshops at various locations throughout the Water District to solicit public input regarding appropriate criteria for the realignment of director division boundaries; and

**WHEREAS**, on November 18, 2021, the Water District's demographic/redistricting consultants presented two draft proposals to adjust the population imbalance of the existing divisions (Plans A2 and C); and

**WHEREAS**, following the presentation, the Board conducted a duly noticed public hearing to receive public input regarding the three proposed draft maps; and

**WHEREAS**, the Board thereafter requested that the District's demographic/redistricting consultants present additional options for its consideration at the December 2, 2021, public hearing, primarily modeled on Plan C; and

**WHEREAS**, at a regular meeting of the Board on December 2, 2021, the demographer presented three additional mapping options for the Board's and public's consideration (Plans D, E, and F), in response to the Board's requests at the November 18 public hearing; and

**WHEREAS**, following the presentation of the additional mapping options the Board held a second duly-noticed public hearing to seek further public comment with respect to all five draft plans; and

**WHEREAS**, the Board has considered all public comments on the plans; and

**WHEREAS**, the populations in the proposed electoral divisions of each of the proposed draft maps are all substantially equal, in conformance with legal requirements; and

**WHEREAS**, Section 2 of the Voting Rights Act, 42 U.S.C. § 1973, prohibits the use of any voting qualification, or prerequisite to voting, or standard, practice, or procedure in a manner which results in a denial or abridgement of the right of any citizen of the United States to vote on account of race or color, and all five of the draft director division maps comply with Section 2 of the Voting Rights Act; and

**WHEREAS**, Section 22000(a) of the Elections Code also provides that in establishing the boundaries of the divisions, the Board may give consideration to (1) topography, (2) geography, (3) cohesiveness, contiguity, integrity and compactness of territory and (4) community of interests of the divisions; and

**WHEREAS**, each of the draft maps give consideration to topography, geography, cohesiveness, contiguity, integrity and compactness of territory and community of interests of the divisions, as well as to observing established communities insofar as practical; using census geography and geographical features for division boundaries insofar as practical, and striving for division shapes which are reasonably compact and contiguous, and take into account, to the extent practicable; and

**WHEREAS**, The Board prefers the electoral division boundaries in proposed Plan     and desires no changes to that proposed Plan as presented to the Board at its regular meeting on December 2, 2021, and incorporated herein;

**NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the West Valley Water District declares, directs and orders as follows:**

### **Section 1. Incorporation of Recitals**

All of the foregoing recitals are true and correct, and the Board of Directors so finds and determines the recitals set forth are incorporated herein and made effective.

### **Section 2. Adoption of Resolution**

The Board of Directors held a meeting on December 2, 2021, at 6:30 p.m. at 855 West Baseline Road, Rialto, CA 92377 to received oral and written testimony regarding this Resolution.

### **Section 3. Adoption of Re-Aligned Director Divisions**

The Board hereby adopts a revision to its current director division boundaries and adopts Plan [redacted], attached hereto as Exhibit "1" and incorporated herein by this reference a copy of which shall also be on file in the West Valley Water Districts Headquarters., for use at the District's next governing board election and subsequent elections until a further re-alignment is required pursuant to Water Code section 71540 and Elections Code section 22000, following the release of the 2030 Census.

### **Section 4. Implementation**

The General Manager and/or his designee take all actions necessary to notify the appropriate County elections officials of the Board's determination forthwith and provide whatever assistance may be required by the Elections Departments to complete the process.

Because the new redistricting plan may contain technical anomalies caused by errors in the 2020 Census line files that do not substantively affect the populations in the director divisions, the division boundaries, or the intent of this resolution, which anomalies are not revealed until implementation begins, the General Manager and/or his designee is authorized to make technical emendations to the new redistricting plan that do not substantively affect the populations in the director divisions, the division boundaries, or the intent of this resolution, and shall advise the Board of any such emendations that are found to be required in plan implementation by the respective county elections officials.

The General Manager and/or his designee shall consult with legal counsel to resolve any legal issues necessary to give effect to this Resolution.

### **Section 5. Exemption from the California Environmental Quality Act**

The Board of Directors finds that the Resolution is exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Title 14 of the California Code of regulations, Section 15061(b)(3) because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

**Section 6. Signature**

The President of the Board of Directors shall sign this Resolution and the Secretary of the Board of Directors shall attest thereto, and this Resolution shall be in full force and effect immediately upon adoption. Within fifteen (15) days after adoption of this Resolution, a summary of the Resolution shall be published with the names of those directors voting for and against this Resolution and a certified copy of the full text of this Resolution, along with the names of those Directors voting for and against this Resolution, shall be posted in the Water District offices.

**Section 7. This Resolution to Prevail Over Inconsistent Provisions of Resolution No. 2018-26**

Resolution No. 2018-26 is hereby repealed to the extent inconsistent with anything contained within this Resolution.

**Section 8. Validity of Remainder of Resolution**

If any section, subsection, clause or phrase in this Resolution is for any reason held invalid, the validity of the remainder of this Resolution shall not be affected thereby. The Board hereby declares that it would have passed this Resolution and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that one or more sections, subsections, sentences, clauses or phrases or the application thereof be held invalid.

**IN BOARD MEETING DULY PASSED this 2nd day of December, 2021.**

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

ATTEST: \_\_\_\_\_  
Peggy Asche  
Secretary

APPROVED: \_\_\_\_\_  
Channing Hawkins  
President

APPROVED AS TO FORM:

\_\_\_\_\_  
Christopher Skinnel  
Legal Counsel

**EXHIBIT "1"**

**MAP AND DEMOGRAPHICS OF PLAN #\_\_**

**ADOPTED BY BOARD OF DIRECTORS**

**DECEMBER 2, 2021**



**BOARD OF DIRECTORS  
STAFF REPORT**

**DATE:** December 2, 2021  
**TO:** Board of Directors  
**FROM:** Shamindra Manbahal, General Manager  
**SUBJECT:** ANNUAL BOARD REORGANIZATION PER BOARD OF DIRECTORS POLICIES AND PROCEDURES MANUAL, ADOPTED OCTOBER 20, 2020, SECTION 7.4 ANNUAL REORGANIZATION MEETING.

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**BACKGROUND:**

At a Special Board of Directors meeting held on Tuesday, October 20, 2020, the Board approved Resolution No. 2020-18 - Reform Plan which includes the Board of Directors Policies and Procedures Manual. As stated in Section 7.4, “Annual Organizational Meeting, The Board of Directors shall hold an annual election at its first regular meeting in December. At this meeting the Board will elect a President and Vice President from among its members to serve during the coming calendar year.”

**FISCAL IMPACT:**

There is no fiscal impact.

**STAFF RECOMMENDATION:**

It is recommended that the Board of Directors elect a President and Vice President to serve during the upcoming calendar year.

Respectfully Submitted,

*Shamindra Manbahal*

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Shamindra Manbahal, General Manager

SM:pa

**ATTACHMENT(S):**

1. 7.4



**BOARD OF DIRECTORS POLICIES AND PROCEDURES MANUAL****7.3 EMERGENCY MEETINGS**

In the event of an emergency situation involving matters upon which prompt action is necessary due to the disruption or threatened disruption of public facilities, the Board of Directors may hold an emergency special meeting without complying with the 24-hour notice requirement. An emergency situation means a crippling disaster which severely impairs public health, safety, or both, as determined by a majority of the Board.

- a. When possible, notice shall be provided to the media outlets by telephone at least one hour before the meeting.
- b. Actions taken during an emergency meeting shall be by roll call vote.
- c. The Board may meet in closed session if agreed to by a two-thirds vote of the members present, or if less than two thirds present, by unanimous vote.
- d. Following an emergency meeting, the minutes of the meeting, a list of persons notified or attempted to be notified of the meeting, and actions taken must be posted for ten days in the District office.

**7.4 ANNUAL ORGANIZATIONAL MEETING**

The Board of Directors shall hold an annual election at its first regular meeting in December. At this meeting the Board will elect a President and Vice President from among its members to serve during the coming calendar year.

**8 BOARD MEETING AGENDA****8.1 REGULAR MEETINGS**

The General Manager, in cooperation with the Board President, shall prepare an agenda for each regular and special meeting of the Board of Directors in accordance with the Brown Act. Any Director may contact the General Manager, Board President, or Board Secretary to request an item to be placed on the agenda. Board member items should be timely and be submitted prior to 5:00 PM on Tuesday, the week before the next board meeting.

**8.2 AGENDA POSTING**

Agendas for regular meetings shall be posted 72 hours in advance of the meeting and agendas for special meetings shall be posted 24 hours in advance of the meeting. The posting must occur in a place that is freely accessible to the public and on the District's website. The agenda shall also be accessible in an open location by that date.

Posting of the agenda for all regular meetings of the Board of Directors, as defined within the meaning of the Ralph M. Brown Act, shall be in compliance with California Government Code § 54954.2. Posting of the agenda for all special meetings of the Board of Directors and/or other "legislative bodies", as defined within the meaning of the Ralph M. Brown Act, shall be in compliance with California Government Code § 54956. Posting of the agendas for all "emergency meetings" of the Board of Directors, as defined within the meaning of the Ralph M. Brown Act shall be in compliance with California Government Code § 54956.5(b).

**8.3 AGENDA PACKET**

When distributing agenda packet and other materials to members of the Board of Directors, those materials should be provided to all members at the same time.

A copy of the agenda for each regular meeting of the Board of Directors shall be



**BOARD OF DIRECTORS  
STAFF REPORT**

**DATE:** December 2, 2021  
**TO:** Board of Directors  
**FROM:** Shamindra Manbahal, General Manager  
**SUBJECT:** ADOPT RESOLUTION NO. 2021-30 AMENDING SCHEDULE "B" & "C"

Staff recommends that the Chairman of the Board establish 2022 Committee's and determine a Primary Representative and Alternate Representative.

**BACKGROUND:**

The District's Governing Board utilizes the committee process and local representative assignments to improve the efficient management of items that may be considered by the Board of Directors. This process provides Board Members and staff the opportunity to conduct additional analysis, discuss resource allocations and address items prior to Board consideration. Attached are Schedule "B" Standing Committees and Schedule "C" Outside Meetings.

Staff is recommending that the new Committees start January 2022.

**FISCAL IMPACT:**

There is no fiscal impact associated with this agenda item.

**STAFF RECOMMENDATION:**

Adopt Resolution No. 2021-30, Amending Schedule "B" Standing Committees and Schedule "C" Outside Meetings of Ordinance No. 86, Compensation and Policies Related to Board Activities.

**Attachments:**

Resolution No. 2021-30  
 Schedule "B" and "C"  
 Executed Ordinance No. 86

Respectfully Submitted,

*Shamindra Manbahal*

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Shamindra Manbahal, General Manager

SM:pa

**ATTACHMENT(S):**

1. Resolution No. 2021-30 - Blank for Committee members
2. ORDINANCE NO 86 - Executed

**RESOLUTION NO. 2021-30**

**A RESOLUTION OF THE BOARD OF DIRECTORS  
OF THE WEST VALLEY WATER DISTRICT AMENDING SCHEDULES “B”  
STANDING COMMITTEES AND SCHEDULE “C” OUTSIDE MEETINGS OF  
ORDINANCE NO. 86 WITH RESPECT TO COMPENSATION AND POLICIES  
RELATED TO BOARD ACTIVITIES**

**WHEREAS**, the West Valley Water District (“District”) Board of Directors (“Board”) conducted an election of officers for the position of President; and

**WHEREAS**, the need to amend Schedule “B” Standing Committees and Schedule “C” Outside Meetings is necessary; and

**WHEREAS**, Schedule “B” is a list of Standing Committee Meetings of the Board of Directors and the designated Directors for each Committee, attached hereto; and

**WHEREAS**, as Schedule “C” is a list of Outside Meetings of the Board of Directors and the designated Director for each Meeting, attached hereto. Each Outside Meeting listed on Schedule “C” sets forth a primary representative and alternate representative.

**NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE WEST VALLEY WATER DISTRICT DOES HEREBY ORDAIN AS FOLLOWS:**

**Article 1.** Superseding of Previous Enactments.

All other previous enactments providing for Board of Directors committee appointments have been superseded by this resolution. Schedules “B” & “C” may be amended from time to time by a duly adopted resolution of the Board.

**ADOPTED, SIGNED AND APPROVED THIS 2<sup>nd</sup> DAY OF DECEMBER 2021 BY THE FOLLOWING VOTE:**

- AYES: DIRECTORS:**
- NOES: DIRECTORS:**
- ABSENT: DIRECTORS:**
- ABSTAIN: DIRECTORS:**

\_\_\_\_\_  
**Channing Hawkins, President  
Board of Directors of the  
West Valley Water District**

**ATTEST:**

\_\_\_\_\_  
**Peggy Asche, Board Secretary**

**SCHEDULE "B"  
STANDING COMMITTEES**

**ORGANIZATIONS**

**DESIGNATED  
REPRESENTATIVE**

Executive Committee

President  
Vice President

Engineering/Planning Committee

\_\_\_\_\_  
\_\_\_\_\_

External Affairs Committee

\_\_\_\_\_  
\_\_\_\_\_

Finance Committee

\_\_\_\_\_  
\_\_\_\_\_

Human Resources Committee

\_\_\_\_\_  
\_\_\_\_\_

Safety and Technology Committee

\_\_\_\_\_  
\_\_\_\_\_

Policy Review & Oversight Committee

\_\_\_\_\_  
\_\_\_\_\_

*\*First position is the Chairperson*

**SCHEDULE "C"  
OUTSIDE MEETINGS**

<b>ORGANIZATION</b>	<b><u>DESIGNATED REPRESENTATIVE</u></b>	<b><u>ALTERNATE</u></b>
ACWA/JPIA	_____ _____	_____ _____
Bloomington Municipal Advisory Committee (MAC)	_____ _____	_____ _____
San Bernardino Valley Municipal Water District	_____ _____	_____ _____
Rialto Basin Groundwater Council	_____ _____	_____ _____

**ORDINANCE NO. 86**

**AN ORDINANCE OF THE BOARD OF DIRECTORS  
OF THE WEST VALLEY WATER DISTRICT AMENDING ORDINANCE NO. 85  
WITH RESPECT TO COMPENSATION AND POLICIES RELATED TO BOARD  
ACTIVITIES**

**Whereas**, Section 20202 of Division 10 of the California Water Code states that compensation to be received by members of the governing board of a water district may be increased each calendar year in an amount equal to 5 percent following the operative date of the last adjustment;

**Whereas**, the governing board of the West Valley Water District ("District") increased its compensation pursuant to Water Code Section 20200 et seq. on October 1, 2016; and

**Whereas**, the District held a duly noticed Public Hearing concerning the increase of compensation to One Hundred Sixty-One Dollars and Seventy Cents (\$161.70) on August 2, 2018; and

**Whereas**, the increase in compensation to the governing board of the District shall increase automatically by 5 percent each calendar year on October 15<sup>th</sup> of each year.

**NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE WEST VALLEY WATER DISTRICT DOES HEREBY ORDAIN AS FOLLOWS:**

**Section 1.** Superseding the Previous Enactments.

Ordinance No. 85 and all other previously enacted ordinances providing for Board of Directors compensation are hereby superseded by this Ordinance.

**ARTICLE 100. MEETINGS**

**101. REGULAR BOARD MEETINGS.** The regular meeting of the Board of Directors of West Valley Water District ("Board of Directors") shall be held at 6:00 p.m. on the first and third Thursday of each month. Business shall be conducted in accordance with Division 12 of the Water Code of the State of California and Section 54954 of the Government Code of the State of California and all other codes pertaining thereto, as well as any proceedings adopted by the Board of Directors not inconsistent therewith.

**102. SPECIAL BOARD MEETINGS.** Special meetings of the Board of Directors may be called in accordance with Government Code Section 54956 of the State of California.

**103. EMERGENCY MEETINGS.** Emergency meetings of the Board of Directors may be called in accordance with Government Code Section 54956.5 of the State of California.

**104. COMMITTEE MEETINGS.** To assist the Board of Directors in its deliberations for establishing policies of West Valley Water District ("District"), it is deemed beneficial to have standing committees or ad hoc committees of the Board of Directors made up of not more than two (2) members of the Board of Directors, who shall develop recommendations to be considered by the Board of Directors for establishing policy by working independently or with staff. The

committee chairperson shall be appointed by the President of the Board with the consent of the full Board of Directors.

**105. OUTSIDE MEETINGS.** Members of the Board of Directors (singularly, "Director" and collectively, "Directors") may attend outside meetings to educate and inform such Directors regarding issues affecting the District and the water industry and to make others aware of the activities concerning the District. Periodically the Board President and/or the Board of Directors may ask a Director to represent the District at an outside meeting or perform another duty for the District. For purposes of this Ordinance, the term "Outside Meeting(s)" shall mean any meeting, activity, conference, seminar, workshop, facility tour and other like or similar events, including webinars and conference calls, except for the meetings listed in Sections 101 through 104. Except as provided in Section 106, a Director may attend any Outside Meeting. However, the District shall compensate a Director for only those Outside Meetings approved in Section 203.

**106. PRESIDENT OF THE BOARD.** It is in the best interests of the District for the President of the Board of Directors to periodically meet with District staff and represent the District at Outside Meetings with other elected officials of other public agencies, as well as other functions pertaining to the District or the water industry. The President is authorized to attend all Outside Meetings pertaining to the water industry that is in the good faith belief of the President of the Board of Directors to be in the best interests or of benefit to the District.

#### **ARTICLE 200. DIRECTOR COMPENSATION**

Each Director shall be compensated for attending District related meetings and functions as follows:

**201. BOARD MEETINGS.** Each Director shall receive One Hundred Sixty-Nine Dollars and Seventy Nine Cents (\$169.79) for attending a regular board meeting of the Board of Directors, a special board meeting of the Board of Directors, an emergency meeting of the Board of Directors or an adjourned regular, emergency or special meeting of the Board of Directors. Compensation shall be increased 5% every year on October 15th.

**202. COMMITTEE MEETINGS.** In the event a committee is established pursuant to Section 104, each Director appointed to such committee ("Committee Member") shall receive One Hundred Sixty-Nine Dollars and Seventy Nine Cents (\$169.79) for attending a meeting. For purposes of this Ordinance, "travel time" is computed to and from the Director's main residence or place of employment, whichever is applicable for attendance at any District function.

**203. OUTSIDE MEETINGS.** Directors shall be compensated for Outside Meetings as follows:

- (a) Attached hereto as Schedule "A" is a list of Outside Meetings any Director may attend. If a Director attends an Outside Meeting listed on Schedule "A" such Director shall be compensated in accordance with subsection (d) below.
- (b) Attached hereto as Schedule "B" is a list of Standing Committee Meetings of



the Board of Directors and the designated Directors for each Committee. Attached hereto as Schedule "C" is a list of Outside Meetings of the Board of Directors and the designated Director for each Meeting. Each Outside Meeting listed on Schedule "C" sets forth a primary representative and alternate representative.

- (c) Except as set forth in Section 204, Directors shall not represent the Board of Directors at any functions of organizations not listed on Schedule "A", "B" without the prior approval of the Board.
- (d) In the event a Director attends an Outside Meeting pursuant to subsections (a), (b), or (c), above, the Director shall receive: One Hundred Sixty-Nine Dollars and Seventy Nine Cents (\$169.79) and in addition to the foregoing, to accommodate a reasonable travel time to and from authorized Outside Meetings, a Director may be compensated for up to one (1) day of travel, the day before all Meetings are to occur and up to one (1) day after the Meeting is concluded, provided that the Meeting is greater than seventy-five (75) miles from the District's headquarters.
- (e) If a Director wishes to attend an Outside Meeting or Conference not listed on Schedule "A", "B", or "C" or covered under Section 204 (f); the Director must receive prior approval from the full Board. The Director shall provide details of the meeting including the dates, agenda, estimated costs, and how attendance will benefit the District to the General Manager who will place the request on the next regular meeting agenda as a business item for consideration.
- (f) A Director shall be able to attend meetings with staff, consultants, elected officials from other Districts, or local community events or function and claim it as an "Outside Meeting" as long as they work with Board Secretary on providing an agenda and topic of discussion or flyer for transparency documentation.

**204.** Board of Directors will be reimbursed for any expenses incurred during the course of conducting District business with other elected officials, District employees and consultants.

**205. COMPENSATION LIMITATIONS.** Section 20202 of Division 10 of the California Water Code states:

"In any ordinance adopted pursuant to this chapter to increase the amount of compensation which may be received by members of the governing board of a water district above the amount of one hundred dollars (\$100.00) per day, the increase may not exceed an amount equal to 5 percent, for each calendar year following the operative date of the last adjustment, of the compensation which is received when the ordinance is adopted.

No ordinance adopted pursuant to this chapter shall authorize compensation for more than a total of ten (10) days in any calendar month." There shall be no compensation for attending meetings or performing other duties for the District on the same day as Board of Directors meetings.

The compensation to the governing board of the West Valley Water District shall automatically increase by 5 percent each calendar year on October 15th.

The Board of Directors assigns the Board President or his designee to monitor, review, deny or recommend approval to the Board of Directors, all compensation requests by Directors according to the following criteria:

- (a) Each Director may be compensated for attending meetings, as defined in Sections 201 to Section 204 and Schedule "A", Schedule "B" and Schedule "C" and other meetings approved by the Board of Directors.
- (b) In addition to (a), each Director may incur or be reimbursed for travel expenses as defined in Article 300, Sections 301 and 302, up to but not in excess of actual expenses per fiscal year.

**206. ETHICS TRAINING.** Pursuant to Government Code Sections 53234, et al, of the State of California each Director shall attend at least two (2) hours of ethics training every two (2) years at the expense of the District. Such ethics training must be approved or authorized by the California Attorney General's Office and the Fair Political Practices Commission. Written proof of such ethics training must be filed by each Director with the District and the District shall retain records of such ethics training for at least five (5) years after the Director receives such training.

**207. ETHICS POLICY.** Each January, following a regular election cycle, the Board of Directors will approve an Ethics Policy presented by the Human Resources Department. The policy will support the issues covered by the ethics training required in Section 206, as well as any other issues specific to the District.

**208. OTHER TRAINING.** Each January following an election year, Directors are required to attend Sexual Harassment Training approved and/or administered by the Human Resources Department.

## **ARTICLE 300. EXPENSES**

### **AUTHORIZATION**

- (a) Directors are authorized to incur expenses arising out of and in connection with the meetings set forth in Sections 201, 202, 203 (a) and 203 (b) and Outside Meetings approved pursuant to Section 203 (c), with the approval of the Board of Directors:
- (b) Board of Directors will communicate their interest in attending an event to the Board Secretary to be added to the "Master Calendar of Events," which lists a description of the event, date, location, and Board member(s) who will attend.
- (c) After attending a District event, Board members are required to submit an Expense Report. Each Board Member shall report on meetings attended at the

District's expense.

- (d) Board members will be reimbursed for any expenses incurred during the course of conducting District business with other elected officials, District employees and consultants.
- (e) The District shall reimburse each Director for expenses while conducting District business as outlined below.
- (f) Each Directors shall be responsible for turning in appropriate District related Expenses for the month, including receipts or other documentation, to the Board Secretary's office by the last business day of the month. It is to each Director's benefit, as well as that of the District, that all itemized expenses be turned in to the Board Secretary's office in a timely manner for proper accounting.

**301. LODGING, MEALS, AND OTHER EXPENSES.** The District shall reimburse each Director for itemized expenses while conducting District business, including, but not limited to, payment of registration fees for conferences, workshops, seminars, lodging, meals, and other related expenses while attending or traveling to/from District related functions.

The following restrictions shall apply to District paid expenses:

- (a) District paid air travel shall be by coach class at the most economical fare available based on the itinerary of the Director. A Director may elect to voluntarily stay longer than necessary to discharge his or her duties as long as there is no additional expense to the District.
- (b) In the event a Director is required to rent a vehicle to attend an authorized Outside Meeting, the District shall reimburse the Director for the cost of such rental vehicle, provided that the cost shall not exceed the cost of a mid-sized vehicle, regularly charged by such rental company for same day rentals. Any contractual agreements between the District and car rental agencies shall be considered first for booking of rental vehicles.
- (c) The following are not reimbursable expenses: political contributions, alcoholic beverages, tips greater than eighteen (18) percent, parking or traffic violation fines, laundry services, child care, and entertainment expenses such as tickets to sporting events or theaters, in-room movies and access to Wi-Fi for personal use, and first class airfare travel.
- (d) Whenever appropriate, lodging and meals will be prepaid by the District or paid for by District staff. When making prepayment of reservations for travel, meals, lodging or other related expenses, it may be beneficial to the District to include payment for spouses. Each Director shall reimburse the District for any prepayment of costs for his/her spouse except as otherwise set forth in this Ordinance. Directors shall clearly identify expenses for his/her spouse except as otherwise set forth in this Ordinance. Directors shall clearly identify expenses for his/her spouse, or may choose to pay for expenses for his/her spouse on a separate ticket or sales slip at the time of purchase.

**302. MILEAGE.** Whenever a Director uses his/her personal vehicle for transportation on District business or to/from District related functions, the District shall reimburse the Director the same rate per mile as approved by the Internal Revenue Service at the time the mileage is incurred. No mileage reimbursement shall be made for attending Board of Directors meetings held at the District headquarters.

**303. INSURANCE.** In California, automobile insurance coverage follows the vehicle. Therefore, when a Director attends functions on behalf of the District in his/her personal vehicle, the Director's insurance is primary.

**304. MONTHLY SUBMITTAL OF EXPENSE REPORTS - PAYMENT REQUESTS.** For receiving compensation for attendance at or participating at appropriate meetings, a Board member shall submit to the District Board Secretary a payment request in the form of an expense report for the calendar month, at which time the Board will consider approval, including the President. A report of all expenses, including but not limited to, compensation requested pursuant to Article 300, to the Board Secretary no later than the last business day of each month. Each submittal shall be signed by the Director. Adequate documentation of actual costs shall include an identification of the official duty, a detailed receipt from the vendor listing the items purchased, and proof that the expense was paid by the Director such as the credit card receipt or cancelled check.

#### ARTICLE 400. BENEFITS

**401. HEALTH PLAN.** All Directors are eligible to participate in the District's group health plan, along with their spouses and dependent children (as that term is defined in Government Code Section 53205.1 of the California Government Code, "Dependent Children"). If a Director chooses not to participate in the health plan he/she must notify the General Manager in writing of his or her election not to participate.

- (a) The District's health plan is administered by the Association of California Water Agencies.
- (b) The District shall pay one hundred percent (100%) of the premium for the Director, spouse and Dependent Children.

**402. BENEFITS AFTER RETIREMENT OR DEATH.** A retired Director and spouse, or the spouse of a deceased Director or retiree may continue his/her medical, dental, life and vision insurance at the District's expense on the basis of the following:

The Director is a minimum of fifty (50) years of age with a minimum of twelve (12) years of total service and was elected prior to January 1, 1995. If the spouse of a deceased Director, or retiree, remarries and becomes eligible for health benefits under his/her spouse's health plan, all District benefits shall be terminated.

**403. VISION CARE PLAN.** Coverage is mandatory for all Directors, their spouse and Dependent Children.

- (a) The Vision Service Plan is administered by the Association of California

Water Agencies.

- (b) The District shall pay one hundred percent (100%) of the premium including Director, spouse and Dependent Children.

**404. DENTAL PLAN.** Coverage is mandatory for all Directors, their spouse and Dependent Children.

- (a) The Delta Dental Plan is administered by the Association of California Water Agencies.
- (b) The District shall pay one hundred percent (100%) of the premium for the Director, spouse, and Dependent Children.

**405. RETIREMENT PLAN.** Only the Directors elected or appointed prior to July 1, 1994 are eligible to participate in the District's retirement plan.

- (a) The retirement plan is administered by the California Public Employees Retirement System.
- (b) The District shall pay all costs, which include the District's and the eligible Director's share.

**406. LIFE AND DISABILITY PLANS.** All Directors are eligible to participate in the District's standard dependent life insurance, standard insurance long term disability plan and employee assistance program (collectively, "Life and Disability Plans"), along with their spouses and dependent children. If a Director chooses not to participate in the District's Life and Disability Plans he/she must notify the General Manager in writing of his or her election not to participate. Unless a Director chooses not to participate in the District's Life and Disability Plans, the District shall pay 100% of the premium for such Life and Disability Plans for the Director, his/her spouse and his/her dependent children.

**407. LONG TERM CARE.** Coverage is mandatory for all Directors, their spouse and Dependent Children.

(a) The Long Term Care Plan, administered by the CalPERS Long Term Care (LTC) program, is recommended.

(b) The District shall pay one hundred percent (100%) of the premium for the District, spouse, and Dependent Children.

### **Section 2. Amendment of Schedules**

Schedules "A", "B" & "C" may be amended from time to time by a duly adopted resolution of the Board.

### **Section 3. Publication**

District Board Secretary shall certify to adoption of this Ordinance and cause it, or summary of it, to be published once within fourteen (14) days of adoption and once within seven (7) days of adoption by newspaper of general circulation, printed and published within the West Valley Water District service area, and shall post a copy of this Ordinance, including the vote, for and against the same, in the office of the Board Secretary in accordance with California Water Code Section 20200 *et seq.*

**Section 4. Effective Date**

This Ordinance shall become effective sixty (60) days from its adoption and Board committee assignments on the adopted schedules shall begin, January 4, 2021.

**ADOPTED, SIGNED AND APPROVED THIS 5<sup>TH</sup> DAY OF NOVEMBER, 2020.**

Channing Hawkins, Kyle Crowther, Greg Young,

**AYES: DIRECTORS:** Michael Taylor, Clifford Young  
**NOES: DIRECTORS:** None  
**ABSENT: DIRECTORS:** None  
**ABSTAIN: DIRECTORS:** None



Channing Hawkins  
 President of the Board of Directors  
 West Valley Water District

**ATTEST:**



Peggy Asche  
 Board Secretary

**SCHEDULE "A"  
OUTSIDE MEETINGS**

**ORGANIZATION**

**DESIGNATED  
REPRESENTATIVE**

ACWA Fall Conference	Any Board Member
ACWA Washington, D.C. Conference	Any Board Member
ACWA Spring Conference	Any Board Member
Member ACWA Legislative Symposium and Day at the Capitol	Any Board Member
Member Association of San Bernardino County Special Districts	Any Board Member
Board Member California Special Districts Association	Any Board Member
California Special Districts Association Legislative Days	Any Board Member
Water Education Foundation Tours	Any Board Member

*\*Expenses for conferences listed above are allocated to the Administration Department Conference Budget.*

**SCHEDULE "B"**  
**STANDING COMMITTEES**

**ORGANIZATIONS**

**DESIGNATED  
REPRESENTATIVE**

Executive Committee

Dr. Clifford O. Young, Sr.  
Gregory Young

Engineering/Planning Committee

Gregory Young  
Kyle Crowther

External Affairs Committee

Dr. Clifford O. Young, Sr.  
Gregory Young

Finance Committee

Dr. Clifford O. Young, Sr.  
Dr. Michael Taylor

Human Resources Committee

Kyle Crowther  
Dr. Michael Taylor

Safety and Technology Committee

Dr. Michael Taylor  
Kyle Crowther

Policy Review & Oversight Committee



**SCHEDULE "C"  
OUTSIDE MEETINGS**

ACWA/JPIA

Dr. Clifford O. Young, Sr.

Clarence Mansell

Bloomington Municipal  
Advisory Committee (MAC)

Gregory Young

Kyle Crowther

San Bernardino Valley  
Municipal Water District

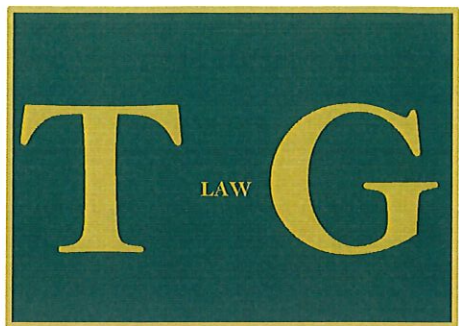
Dr. Clifford O. Young, Sr.

Western Coalition of Arid States

Dr. Clifford O. Young, Sr.

Gregory Young





# TAFOYA LAW GROUP, APC

316 West 2<sup>nd</sup> Street, Suite 200  
Los Angeles, California 90012  
Telephone: 213.617.0600

## *MEMORANDUM*

DATE: November 29, 2021

TO: Board of Directors

FROM: Robert Nacionales Tafoya

CC: Shamindra Manbahal

RE: Memorandum to the Board Regarding Director Vacancy

### **BACKGROUND:**

The purpose of this memorandum is to provide the Board with information concerning the current vacancy on the Board before the expiration of a director's term and the manner in which such a vacancy may be filled. The vacancy was created by Director Kyle Crowther's written resignation from his Director position, in District 1, before the expiration of his term in 2024.

Under Government Code Section 1770(c), a Director's seat on the Board becomes vacant upon the resignation of the incumbent before the expiration of his or her term of office.

Water Code Section 71254 provides the method for filling vacancies on the Board and states that all such vacancies "shall be filled pursuant to Section 1780 of the Government Code, by a qualified person, who shall be a resident of, and otherwise qualified to be a director from, the division in which the vacancy occurred." The actual text of Government Code Section 1780 is attached hereto.

Government Code Section 1780(c) allows the remaining Board members of the District to fill the vacancy by appointment. In order to do so, the District must first notify the county elections official of the vacancy no later than fifteen (15) days following either the date on which the Board is notified of the vacancy or the effective date of the vacancy, whichever is later (i.e., on or before January 18, 2022). Government Code, Section 1780(b). The District must also post a Notice of the vacancy at least fifteen (15) days before an appointment is made in at least three (3) conspicuous places within the District. The appointment to the vacancy must be made within sixty (60) days following the effective date of the vacancy (i.e., on or before **November 19, 2021**). Government Code Section 1780(d)(I). If the vacancy is not filled by the District, the San

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Bernardino County Board of Supervisors may fill the vacancy within ninety (90) days of the vacancy. Government Code Section 1780:(t)(1).

With respect to the period of time in which the appointment shall be in effect, Government Code Sections 1780( d)(2) and (3) provide as follows:


“(2) If the vacancy occurs in the first half of a term of office and at least 130 days prior to the next general district election, the person appointed to fill the vacancy shall hold office until the next general district election that is scheduled 130 or more days after the date the district board is notified of the vacancy and thereafter until the person who is elected at that election to fill the vacancy has been qualified. The person elected to fill the vacancy shall hold office for the unexpired balance of the term of office.

(3) If the vacancy occurs in the first half of a term of office, but less than 130 days prior to the next general district election or if the vacancy occurs in the second half of a term of office, the person appointed to fill the vacancy shall fill the balance of the unexpired term of office.” (Emphasis added.)

Thus, even though Director Crowther's term on the Board was scheduled to expire following the election in November of 2024, since that seat has become vacant during the first half of his term of office and more than 130 days before the next general district election, then by operation of Government Code Section 1780( d)(2) any person appointed to fill the vacancy created by Director Crowther's resignation would only serve on the Board until the next election in November 2022 upon which time the appointed person would have to run for the remainder of the term for District 1. The person elected to District 1 in November 2022 would serve the remainder of the term until November 2024.

If the Board has any questions or comments regarding this information, please feel free to address them to this office as appropriate.

Sincerely,



Robert Nacionales Tafoya,  
 General Counsel

Attachment: Exhibit A

## Item 5 - Exhibit A

## § 1780. Special districts; vacancies in elective offices of governing board; election dates; term

- (a) Notwithstanding any other provision of law, a vacancy in any elective office on the governing board of a special district, other than those specified in Section 1781, shall be filled pursuant to this section.
- (b) The district shall notify the county elections official of the vacancy no later than 15 days after either the date on which the district board is notified of the vacancy or the effective date of the vacancy, whichever is later.
- (c) The remaining members of the district board may fill the vacancy either by appointment pursuant to the subdivision (d) or by calling an election pursuant to subdivision (e).
- (d) (1) The remaining members of the district board shall make the appointment pursuant to this subdivision within 60 days after either the date on which the district board is notified of the vacancy or the effective date of the vacancy, whichever is later. The district shall post a notice of the vacancy in three or more conspicuous places in the district at least 15 days before the district board makes the appointment. The district shall notify the county elections official of the appointment no later than 15 days after the appointment.
- (2) If the vacancy occurs in the first half of a term of office and at least 130 days prior to the next general district election, the person appointed to fill the vacancy shall hold office until the next general district election that is scheduled 130 or more days after the date the district board is notified of the vacancy, and thereafter until the person who is elected at that election to fill the vacancy has been qualified. The person elected to fill the vacancy shall hold office for the unexpired balance of the term of office.
- (3) If the vacancy occurs in the first half of a term of office, but less than 130 days prior to the next general district election, or if the vacancy occurs in the second half of a term of office, the person appointed to fill the vacancy shall fill the balance of the unexpired term of office.
- (e) (1) In lieu of making an appointment the remaining members of the board may within 60 days of the date the district board is notified of the vacancy or the effective date of the vacancy, whichever is later, call an election to fill the vacancy.
- (2) The election called pursuant to this subdivision shall be held on the next established election date provided in Chapter 1 (commencing with Section 1000) of Division 1 of the Elections Code that is 130 or more days after the date the district board calls the election.
- (f) (1) If the vacancy is not filled by the district board by appointment, or if the district board has not called for an election within 60 days of the date the district board is notified of the vacancy or the effective date of the vacancy, whichever is later, then the city council of the city in which the district is wholly located, or if the district is not wholly located within a city, the board of supervisors of the county representing the larger portion of the district area in which the election to fill the vacancy will be held, may appoint a person to fill the vacancy within 90 days of the date the district board is notified of the vacancy or the effective date of the vacancy, whichever is later, or the city council or board of supervisors may order the district to call an election to fill the vacancy.
- (2) The election called pursuant to this subdivision shall be held on the next established election date provided in Chapter 1 (commencing with Section 1000) of Division 1 of the Election Code that is 130 or more days after the date the city council or board of supervisors calls the election.
- (g) (1) If within 90 days of the date the district board is notified of the vacancy or the effective date of the vacancy, whichever is later, the remaining members of the district board or the appropriate board of supervisors or city council have not filled the vacancy and no election has been called for, then the district board shall call an election to fill the vacancy.
- (2) The election called pursuant to this subdivision shall be held on the next established election date provided in Chapter 1 (commencing with Section 1000) of Division 1 of the Elections code that is 130 or more days after the date the district board calls the election.
- (h) (1) Notwithstanding any other provision of this section, if the number of remaining members of the district board falls below a quorum, then at the request of the district secretary or a remaining member of the district board, the appropriate board of supervisors or the city council shall promptly appoint a person to fill the vacancy, or may call an election to fill the vacancy.
- (2) The board of supervisors or the city council shall only fill enough vacancies by appointment or by election to provide the district board with a quorum.
- (3) If the vacancy occurs in the first half of a term of office and at least 130 days prior to the next general district election, the person appointed to fill the vacancy shall hold the office until the next general district election that is scheduled 130 or more days after the date the district board is notified of the vacancy, and thereafter until the person who is elected at that election to fill the vacancy has been qualified. The person elected to fill the vacancy shall hold office for the unexpired balance of the term of office.
- (4) If the vacancy occurs in the first half of a term of office, but less than 130 days prior to the next general district election, or if the vacancy occurs in the second half of a term of office, the person appointed to fill the vacancy shall fill the balance of the unexpired term of office.
- (5) The election called pursuant to this subdivision shall be held on the next established election date provided in Chapter 1 (commencing with Section 1000) of Division 1 of the Elections Code that is held 130 or more days after the date the city council or board of supervisors calls the election.

## NOTICE OF VACANCY

### **Office of Director, Division 1 West Valley Water District**

PLEASE TAKE NOTICE of the vacancy in the office of Director of Division 1 of the West Valley Water District (“WVWD”). This vacancy results from the resignation of Director Kyle Crowther on or about November 19, 2021.

Pursuant to Water Code Section 60144 and Government Code Section 1870, the WVWD Board of Directors has determined to fill the vacancy in the office of Division 1 appointment.

Any person interested in being considered for appointment to this office must submit a letter of interest and resume to the WVWD *no later than 5:00 p.m. on January 19, 2022* at the following address:

West Valley Water District  
855 West Baseline Road  
Rialto, CA 92376  
Attn: Shamindra Manbahal, General Manager

To be eligible for an appointment to the office of the Director of Division 1, an interested person must be a registered voter and a resident of Division 1 at the time of the appointment. Division 1 includes the cities of Fontana, Jurupa Valley and unincorporated portion of Bloomington.

The WVWD Board of Directors may interview potential Division 1 appointees at a Special Meeting at a time and date to be determined. The Board anticipates that a final decision on the appointment may be made at a WVWD Special Board Meeting scheduled at a date to be determined, although the WVWD reserves all rights to make a legal and proper appointment on any date consistent with applicable law.

Date Posted: \_\_\_\_\_, 2021

Mr. Naseem Farooqi  
Director of Government &  
Legislative Affairs