AMENDED MINUTES

REGULAR BOARD MEETING

of the

WEST VALLEY WATER DISTRICT

March 7, 2019

Attendee Name	Present	Absent	Late
Board of Directors			
Michael Taylor			
Kyle Crowther			
Donald Olinger			
Clifford Young	$\overline{\checkmark}$		
Gregory Young	$\overline{\checkmark}$		
Legal Counsel			
Robert Tafoya	$\overline{\checkmark}$		
Staff			
Clarence Mansell			
Ricardo Pacheco			
Crystal L. Escalera			
Deborah Martinez			
Joanne Chan	$\overline{\mathbf{V}}$		
Linda Jadeski	$\overline{\mathbf{Q}}$		
Jon Stephenson			
Naseem Farooqi	Ø		
Melissa Blount	Ø		
Consultant(s)			
Robert Katherman	$\overline{\checkmark}$		

OPENING CEREMONIES

Pledge of Allegiance - Lead by Vice President Kyle Crowther Opening Prayer - Lead by Director Don Olinger Call to Order Roll Call of Board Members

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ADOPT AGENDA

General manager, Clarence Mansell, requested to add two Emergency Items to the agenda before the agenda was adopted. The two items were resolutions that would allow the district to apply for grants. The deadline to apply for the grants would occur before the next Board of Directors meeting, creating the emergency to add them on the current agenda. President Dr. Taylor motioned to add the items under "Business Matters" as Item No. 19 and No. 20. Director Dr. Young second the motion which passed unanimously.

ADD TWO EMERGENCY ITEMS THE AGENDA UNDER BUSINESS MATTERS AS NO. 19 AND NO. 20 AS FOLLOWS:

- No. 19) Resolution 2019-2 In Support of Filing an Application Within the United State Bureau of Reclamation (Reclamation) for a Grand Under the Water and Energy Efficiency Grant for the Fiscal Year 2019
- No. 20) Resolution 2019-3 In Support of Filing an Application Within the United States Bureau of Reclamation (Reclamation) for a Grant Under the Water Smart Drought Response Program; Drought Resiliency Projects Grants for Fiscal Year 2019

RESULT: APPROVED [UNANIMOUS]

MOVER: Michael Taylor, President SECONDER: Clifford Young, Director

AYES: Michael Taylor, Kyle Crowther, Donald Olinger, Clifford Young, Gregory Young

ADOPT AGENDA

Following the addition of the two emergency items, President Dr. Taylor motioned to adopt the agenda which was second by Director Greg Young. The vote passed unanimously.

RESULT: APPROVED [UNANIMOUS]

MOVER: Michael Taylor, President SECONDER: Gregory Young, Director

AYES: Michael Taylor, Kyle Crowther, Donald Olinger, Clifford Young, Gregory Young

PUBLIC PARTICIPATION

Comments were made by Don Griggs on behalf of Mr. Hardy Brown to the Board of Directors.

CONSENT CALENDAR

1. FEBRUARY 7, 2019 REGULAR BOARD MEETING MINUTES

Director Greg Young motioned to adopt the consent calendar which was second by vice president, Kyle Crowther. There was no discussion of the items by the board directors. The motion passed by the following vote:

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RESULT: ADOPTED [UNANIMOUS]

MOVER: Gregory Young, Director

SECONDER: Kyle Crowther, Vice President

AYES: Michael Taylor, Kyle Crowther, Donald Olinger, Clifford Young, Gregory Young

2. RECEIVE AND FILE JANUARY 2019 CASH DISBURSEMENTS REPORT

Director Greg Young motioned to adopt the consent calendar which was second by vice president, Kyle Crowther. There was no discussion of the items by the board directors. The motion passed by the following vote:

RESULT: ADOPTED [UNANIMOUS]

MOVER: Gregory Young, Director SECONDER: Kyle Crowther, Vice President

AYES: Michael Taylor, Kyle Crowther, Donald Olinger, Clifford Young, Gregory Young

3. RECEIVE AND FILE JANUARY 2019 PURCHASE ORDER REPORT

Director Greg Young motioned to adopt the consent calendar which was second by vice president, Kyle Crowther. There was no discussion of the items by the board directors. The motion passed by the following vote:

RESULT: ADOPTED [UNANIMOUS]

MOVER: Gregory Young, Director SECONDER: Kyle Crowther, Vice President

AYES: Michael Taylor, Kyle Crowther, Donald Olinger, Clifford Young, Gregory Young

BUSINESS MATTERS

4. UPDATE AND AMEND WEST VALLEY WATER DISTRICT COMMITTEE LIST

General Manager Clarence Mansell briefing the Board on the West End Development Treatment Conservation and Joint Powers Authority committee. This organization was established in 1989 between the cities of San Bernardino, Colton, Rialto and the West Valley Water District and has been dormant. Mr. Mansell recommended the Board to reactivate the West Valley Water Districts involvement with the committee by selecting a representative for the district. President Taylor volunteered to serve on this committee with Vice President Kyle Crowther. A vote was taken following this discussion. The Directors then discussed the San Bernardino Valley Water District Advisory Commission committee. President Dr. Taylor recommended Director Greg Young as the main representative and Director Don Olinger as an alternate. A vote was also taken following the discussion. The Engineering and Planning Committee name was then discussed. Mr. Mansell suggested to the Board to change the name of the "Engineering and Planning" committee to "Engineering, Operations and Planning" to better describe the nature of the committee. The Directors agreed to the suggestion and voted to change the name. However, upon reviewing the audio recording of this meeting it was discovered that a second was not made for the first vote. It was decided by the Board to bring the committees list back for approval at the March 21,2019 meeting to correct this error.

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5. CALPERS REVIEW OF MEMBER PAYRATES

Items No. 5, 6, 13 and 14 were taken in one vote with no discussion. President Dr. Taylor motioned to pass the items, second by Director Greg Young. The motion passed by the following vote:

RESULT: APPROVED [UNANIMOUS]

MOVER: Michael Taylor, President SECONDER: Gregory Young, Director

AYES: Michael Taylor, Kyle Crowther, Donald Olinger, Clifford Young, Gregory Young

6. SERVICESKILLS - EMPLOYEE TRAINING

Items No. 5, 6, 13 and 14 were taken in one vote with no discussion. President Dr. Taylor motioned to pass the items, second by Director Greg Young. The motion passed by the following vote:

RESULT: APPROVED [UNANIMOUS]

MOVER: Michael Taylor, President SECONDER: Gregory Young, Director

AYES: Michael Taylor, Kyle Crowther, Donald Olinger, Clifford Young, Gregory Young

7. APPROVAL OF A FY 2018-19 BUDGET AMENDMENT TO ALLOCATE A \$95,000 REFUND FROM COLTON PUBLIC UTILITIES TO A NEW BUDGET DEPARTMENT NAMED "HYDROSTEM" FOR SUPPORTING EDUCATION, SCHOLARSHIP AND SPONSORSHIP ACTIVITIES.

General Manager, Clarence Mansell presented the staff report to the Board of Directors. Director Dr. Young inquired if approval of the item meant the West Valley Water District would create a STEM program or if it would support existing STEM programs being offered by the school districts. Mr. Mansell clarified that the district will be supporting existing STEM programs in our local communities. Director Dr. Young then motioned to approved the item following Mr. Mansell's response. Director Olinger expressed his support of the program and second the motion. The Board approved this item unanimously.

RESULT: APPROVED [UNANIMOUS]

MOVER: Clifford Young, Director SECONDER: Donald Olinger, Director

AYES: Michael Taylor, Kyle Crowther, Donald Olinger, Clifford Young, Gregory Young

8. CONSIDER A CIP BUDGET AMENDMENT TO IMPLEMENT A COMPUTERIZED MAINTENANCE MANAGEMENT SYSTEM (CMMS) UTILIZING MAXIMO SOFTWARE

Director Greg Young inquired about the process used to select the Maximo software. Discussion ensued with Director Dr. Young, Director Greg Young and Mr. Mansell. Mr. Mansell informed the Board that the software is a sole-source software. Director Dr. Young asked if the item could be delayed until the sole-source justification could be reviewed however, Mr. Mansell informed Director Dr. Young that the software was already being implemented. Director Dr. Young expressed concern to the Board regarding the RFP (Request For Proposal) process and informed them that he would be voting "No" as a result. Following this discussion,

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President Dr. Taylor motioned to pass the item and Vice President Kyle Crowther second the motion. The item passed 4-1 as follows.

RESULT: APPROVED [4 TO 1]

MOVER: Michael Taylor, President

SECONDER: Kyle Crowther, Vice President

AYES: Michael Taylor, Kyle Crowther, Donald Olinger, Gregory Young

NAYS: Clifford Young

9. CONSIDER TASK ORDER NO. 2 FOR LOS ANGELES COUNTY PUBLIC SAFETY AND SECURITY SERVICES, LLC, TO PROVIDE DETAILED SAFETY & SECURITY SERVICES

Assistant General Manager, Ricardo Pacheco, delivered the staff report to the Board of Directors. Mr. Pacheco mentioned there are several grants the district cannot apply for without a Hazardous Mitigation Plan and the contract will allow the vendor to create one for the district. Director Dr. Young then inquired about the vendor selection process and discussion ensued. Following this discussion Director Olinger inquired what the deadlines for the grants were and how the grants would be effected if the contract was delayed. Mr. Pacheco asked if the Board could come back to this item while he looked for the deadlines requested by Director Olinger. President Dr. Taylor agreed to this request and moved to Item No. 10. Following the vote for Item No. 10 the Directors returned to vote on this contract. President Dr. Taylor felt the item was justified and motioned for approval. Vice President Kyle Crowther second the motion and the following vote was recorded:

RESULT: APPROVED [4 TO 1]

MOVER: Michael Taylor, President

SECONDER: Kyle Crowther, Vice President

AYES: Michael Taylor, Kyle Crowther, Donald Olinger, Gregory Young

NAYS: Clifford Young

10. CONSIDER A BUDGET AMENDMENT FOR TASK ORDER NO. 2 FOR ROGERS, ANDERSON, MALODY & SCOTT, LLC (RAMS) TO CONDUCT MID-YEAR FINANCIAL AUDITS.

Director Greg Young requested this item to be taken as a separate consideration and discussion. Director Dr. Young began the discussion by disclosing his relationship with Don Rodgers who started the firm Rogers, Anderson, Malody and Scott, LLC (R.A.M.S.). Director Young commented that Mr. Rogers is a known contributor to his political campaigns and is no longer associated with R.A.M.S. He also informed the public that Mr. Rogers retired 8 years ago. Following this statement Director Dr. Young motioned to approve the contract which was second by Director Olinger. Director Greg Young abstained from the vote which passed as follows:

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RESULT: APPROVED [4 TO 0]

MOVER: Clifford Young, Director

SECONDER: Donald Olinger, Director

AYES: Michael Taylor, Kyle Crowther, Donald Olinger, Gregory Young

ABSTAIN: Clifford Young

11. CONSIDER A BUDGET AMENDMENT FOR TASK ORDER NO. 2 FOR MY CHENG & ASSOCIATES, INC.

Director Dr. Young requested to take Item No. 11 and No. 12 together. Discussion began by Director Dr. Young inquiring with the General Manager on the selection process used to award this vendor. General Manger, Clarence Mansell responded to this question and discussion ensued regarding the selection process and the district procedures. Following the discussion, Director Dr. Young raised concern with section 19.1 "Hiring of Consultant's Associates and/or Subcontractors" on page 12 of the proposed contract. He felt the language used would result in the district being required to hire one of the vendor's employees. Director Olinger inquired with General Counsel if the language in question would commit the district to hiring the vendor's employee. General Counsel, Robert Tafoya, agreed with Director Dr. Young's assessment of the language although he did not believe that was the intent of the contract. After hearing Mr. Tafoya's opinion on the matter Mr. Mansell proposed the Board remove section 19.1 of page 12 and to approve the two items. President Dr. Taylor agreed with the proposal and motioned to pass Items No. 11 and 12 with the stipulation of removing section 19.1 of page 12 from the contract. Vice President Kyle Crowther second the motion and the following vote was taken:

RESULT: ADOPTED AS AMENDED [3 TO 1]

MOVER: Michael Taylor, President SECONDER: Kyle Crowther, Vice President

AYES: Michael Taylor, Kyle Crowther, Donald Olinger

NAYS: Clifford Young ABSTAIN: Gregory Young

12. CONSIDER A BUDGET AMENDMENT FOR TASK ORDER NO. 3 FOR MV CHENG & ASSOCIATES, INC.

Director Dr. Young requested to take Item No. 11 and No. 12 together. Discussion began by Director Dr. Young inquiring with the General Manager on the selection process used to award this vendor. General Manger, Clarence Mansell responded to this question and discussion ensued regarding the selection process and the district procedures. Following the discussion, Director Dr. Young raised concern with section 19.1 "Hiring of Consultant's Associates and/or Subcontractors" on page 12 of the proposed contract. He felt the language used would result in the district being required to hire one of the vendor's employees. Director Olinger inquired with General Counsel if the language in question would commit the district to hiring the vendor's employee. General Counsel, Robert Tafoya, agreed with Director Dr. Young's assessment of the language although he did not believe that was the intent of the contract. After hearing Mr. Tafoya's opinion on the matter Mr. Mansell proposed the Board remove section 19.1 of page 12 and to approve the two items. President Dr. Taylor agreed with the proposal and motioned to pass Items No. 11 and 12 with the stipulation of removing section 19.1 of page 12 from the contract. Vice President Kyle Crowther second the motion and the following vote was taken:

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RESULT: ADOPTED AS AMENDED [3 TO 1]

MOVER: Michael Taylor, President

SECONDER: Kyle Crowther, Vice President

AYES: Michael Taylor, Kyle Crowther, Donald Olinger

NAYS: Clifford Young ABSTAIN: Gregory Young

13. CONSIDER SOLE SOURCE PURCHASING OF ROTORK ACTUATORS AND PLANT VALVES FOR THE OLIVER P. ROEMER WATER TREATMENT FACILITY

Items No. 5, 6, 13 and 14 were taken in one vote with no discussion. President Dr. Taylor motioned to pass the items, second by Director Greg Young. The motion passed by the following vote:

RESULT: APPROVED [UNANIMOUS]

MOVER: Michael Taylor, President SECONDER: Gregory Young, Director

AYES: Michael Taylor, Kyle Crowther, Donald Olinger, Clifford Young, Gregory Young

14. CONSIDER AN AGREEMENT WITH MERLIN JOHNSON CONSTRUCTION, INC. FOR WATER VALVE REPLACEMENT PROJECT

Items No. 5, 6, 13 and 14 were taken in one vote with no discussion. President Dr. Taylor motioned to pass the items, second by Director Greg Young. The motion passed by the following vote:

RESULT: APPROVED [UNANIMOUS]

MOVER: Michael Taylor, President SECONDER: Gregory Young, Director

AYES: Michael Taylor, Kyle Crowther, Donald Olinger, Clifford Young, Gregory Young

15. CONSIDER AN AGREEMENT FOR THE TRAILERS WITH PACIFIC MOBILE STRUCTURES FOR THE CUSTOMER SERVICE FOYER RENOVATION PROJECT CONSTRUCTION

Director Greg Young requested to take this item as a separate consideration and for his concern of the increasing cost to be recorded. Director Greg Young was initially a strong proponent for the project but has since raised concern for the increasing cost of the project. He mentioned the construction cost and rental of temporary trailers to place staff in during the construction were not included in the original budget and although the renovation is necessary, the cost may outweigh the necessity at the moment. Following Director Greg Young's remarks, President Dr. Taylor asked if any other Directors wanted to make any further comments. Seeing none, President Dr. Taylor then motioned to approve the item which was second by Vice President Kyle Crowther and the motioned passed as follows:

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RESULT: APPROVED [3 TO 1]

MOVER: Michael Taylor, President

SECONDER: Kyle Crowther, Vice President

AYES:

Michael Taylor, Kyle Crowther, Donald Olinger

NAYS:

Clifford Young

ABSTAIN: Gregory Young

16. APPROVAL OF TAFOYA & GARCIA, LLP FOR PROFESSIONAL SERVICES RENDERED IN THE MONTH OF DECEMBER 2018; INVOICE NO. 18-1012: \$29,923.20

There was no discussion regarding this item. President Dr. Taylor motioned for approval of the invoice and Vice President Kyle Crowther second. Directors Dr. Clifford Young and Greg Young Abstained from the vote which passed as follows:

RESULT:

APPROVED [3 TO 0]

MOVER: SECONDER: Michael Taylor, President

AYES:

Michael Taylor, Kyle Crowther, Donald Olinger

ABSTAIN:

Clifford Young, Gregory Young

Kyle Crowther, Vice President

17. REQUEST TO RECLASSIFY DISTRICT ENGINEER TO ASSISTANT GENERAL MANAGER (CAPITAL IMPROVEMENT PROGRAM)

Director Greg Young asked to take this item for a separate discussion to verify the number of Associate General Manager in the district. Director Greg Young confirmed with Mr. Mansell that reclassifying the District Engineer position would bring the number of Associate General Managers in the district to three (currently Ricardo Pacheco is in one position and the second position is vacant). Director Greg Young also commented that he understands the district is in dire need of a District Engineer and the reclassification may increase the number of prospective applicants. No further discussion was had. President Dr. Taylor motioned to pass the item which was second by Vice President Crowther and the motion passed unanimously.

RESULT:

APPROVED [UNANIMOUS]

MOVER:

SECONDER:

Clifford Young, Director Michael Taylor, President

AYES:

Michael Taylor, Kyle Crowther, Donald Olinger, Clifford Young, Gregory Young

18. CONSIDER AN AGREEMENT WITH LEE & KAUFMAN FOR PERSONNEL ISSUES.

Director Dr. Young requested to take this item as a separate vote. (Sentence not approved by Board and removed and amended on April 4, 2019 Board Meeting). President Dr. Taylor motioned to approve the item and Vice President Kyle Crowther second the vote. The motion passed 3-1-1 with Director Greg Young abstaining from the vote.

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APPROVED [3 TO 1] RESULT:

MOVER: Michael Taylor, President

SECONDER: Kyle Crowther, Vice President

AYES:

Michael Taylor, Kyle Crowther, Donald Olinger

NAYS: Clifford Young Gregory Young ABSTAIN:

RESOLUTION 2019-2 IN SUPPORT OF FILING AN APPLICATION WITHIN THE 19. UNITED STATE BUREAU OF RECLAMATION (RECLAMATION) FOR A GRAND UNDER THE WATER AND ENERGY EFFICIENCY GRANT FOR THE FISCAL YEAR 2019

Director Dr. Young inquired what the amounts of the grants being applied for were and what the matching funds of each grant would be. Associate General Manager, Ricardo Pacheco, informed the Board that the grants ranged from \$300,000 to \$1,500,000 and have a matching fund component. The Directors then discussed the matching funds needed if awarded each grant. Mr. Pacheco clarified that the resolutions being presented only allowed the district to apply for the grants and once the grants were approved, they would be brought back to the Board to approve the matching funds. President Dr. Taylor motioned to approve the resolutions with the caveat if there is language in the grant that commits the district to match funds, that it be brought back to the Board for approval. Director Greg Young made a friendly amendment to also have legal counsel work with the staff to ensure this stipulation is met. President Dr. Taylor accepted the amendment and Director Greg Young second the motion. Items No. 19 and No. 20 passed with the following vote:

APPROVED [UNANIMOUS] RESULT:

MOVER: Michael Taylor, President SECONDER: Gregory Young, Director

Michael Taylor, Kyle Crowther, Donald Olinger, Clifford Young, Gregory Young AYES:

RESOLUTION 2019-3 IN SUPPORT OF FILING AN APPLICATION WITHIN THE 20. UNITED STATES BUREAU OF RECLAMATION (RECLAMATION) FOR A GRANT UNDER THE WATER SMART DROUGHT RESPONSE PROGRAM; DROUGHT RESILIENCY PROJECTS GRANTS FOR FISCAL YEAR 2019

Director Dr. Young inquired what the amounts of the grants being applied for were and what the matching funds of each grant would be. Associate General Manager, Ricardo Pacheco, informed the Board that the grants ranged from \$300,000 to \$1,500,000 and have a matching fund component. The Directors then discussed the matching funds needed if awarded each grant. Mr. Pacheco clarified that the resolutions being presented only allowed the district to apply for the grants and once the grants were approved, they would be brought back to the Board to approve the matching funds. President Dr. Taylor motioned to approve the resolutions with the caveat if there is language in the grant that commits the district to match funds, that it be brought back to the Board for approval. Director Greg Young made a friendly amendment to also have legal counsel work with the staff to ensure this stipulation is met. President Dr. Taylor accepted the amendment and Director Greg Young second the motion. Items No. 19 and No. 20 passed with the following vote:

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RESULT: APPROVED [UNANIMOUS]

MOVER: Michael Taylor, President SECONDER: Gregory Young, Director

AYES: Michael Taylor, Kyle Crowther, Donald Olinger, Clifford Young, Gregory Young

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

Board Members

- O Director Dr. Young requested the audio of the Board meeting from the past four months which generated a discussion of the audio recordings access by the public. Director Greg Young requested to add an item to the next agenda to approve posting the audio recording of each meeting to the website following the meeting. President Dr. Taylor agreed to add this item to the March 21, 2019 meeting. Director Dr. Young also asked if the Mid-Year Budget could be delayed to allow time to review the financial information provided by staff. Mr. Tafoya informed President Dr. Taylor that the items for the workshop are listed under "Business Matters" however a vote does not need to be taken. This would allow the Directors to review the items and to bring them back to a later Board meeting for approval which satisfied the Directors.
- o Director Greg Young commented on his appreciation for the rain.
- O Director Don Olinger thanked the public in attendance and also commented that he felt the audio recordings availability to the public would help increase the districts transparency.
- Legal Counsel
 - o No report.
- General Manager
 - o No report.

CLOSED SESSION

The report from Closed Session was given following Public Participation. The Board voted 3-2 to terminate the Chief Financial Operator. The "No" votes included Directors Dr. Clifford Young and Greg Young. A second vote was taken to allow the General Manager discretion to hire an Interim Chief Financial Officer while he searched for additional candidates for the position of Chief Financial Officer to be reviewed by the Board. The vote was also 3-2 with the "No" votes including Directors Dr. Clifford Young and Greg Young. No further action was taken.

- CONFERENCE WITH LEGAL COUNSEL EXISTING LITIGATION Pursuant to paragraph one (1) of subdivision (d) of Government Code Section 54956.9 Case Name: Karen Logue v. West Valley Water District Case No.: CIVDS1818381
- CONFERENCE WITH LEGAL COUNSEL ANTICIPATED LITIGATION Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Section 54956.9: Number of Cases: One (1)

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- CONFERENCE WITH LEGAL COUNSEL EXISTING LITIGATION Pursuant to Paragraph (1) of subdivision (d) of Government Code Section 54956.9 Case Name: International Union of Operating Engineers Local 12, Charging Party v. West Valley Water District, Respondent, Case No. LA-C-1319-M
- PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE Pursuant to Cal. Gov. Code Section 54957
- PUBLIC EMPLOYEE APPOINTMENT pursuant to Cal. Gov. Code Section 54957 Title: Interim Chief Financial Officer
- Consider an Agreement with Lee & Kaufman for Personnel Issue

ADJOURN

The meeting was adjourned at 8:00 PM

Dr. Michael Taylor President of the Board of Directors of West Valley Water District

ATTEST:

Crystal L. Escalera, Board Secretary

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