

Approved March 23, 2021

**MINUTES OF A REGULAR MEETING OF THE
CUCAMONGA VALLEY WATER DISTRICT
BOARD OF DIRECTORS
March 9, 2021**

A regular meeting of the Cucamonga Valley Water District Board of Directors was called to order at 6:00 p.m. by President Reed. Ms. Taya Victorino took roll call to ensure all Board Members were present in person or via teleconference.

CALL TO ORDER
6:00 p.m.

President Reed announced:

1) The meeting is being conducted by teleconference pursuant to the Brown Act waivers provided for under the Governor's Executive Orders in response to the COVID-19 State of Emergency.

2) The agenda states that there will be no public location for attending this meeting in person.

3) The agenda also states that the public may listen and provide comment telephonically by calling the number listed on the agenda.

President Reed led the Pledge of Allegiance.

In Attendance:

Board Randall James Reed, President
 Luis Cetina, Vice President
 James V. Curatalo, Jr., Director (*via teleconference*)
 Mark Gibboney, Director
 Kevin Kenley, Director

Staff John Bosler, General Manager/CEO
 Jeff Ferre, BB&K, Legal Counsel (*via teleconference*)
 Megan Garibaldi, Special Legal Counsel (*via teleconference*)

Mike Bogin, Information Tech Specialist
Agnes Boros, Finance Manager (*via teleconference*)
Chad Brantley, Director of Finance and Technology Services
Jason Cary, Help Desk Specialist
Cindy Cisneros, Executive Assistant, General Manager
Eduardo Espinoza, Director of Engineering Services
Eric Grubb, Government & Public Affairs Manager (*via teleconference*)
Carrie Guarino, Assistant General Manager
Rob Hills, Director of Operations
Robert Kalarsarinis, Customer Service Manager (*via teleconference*)
Praseetha Krishnan, Engineering Manager (*via teleconference*)

Gidti Ludesirishoti, Associate Engineer *(via teleconference)*
Erin Morales, Government & Public Affairs Supervisor *(via teleconference)*
Roberta Perez, Human Resources Manager *(via teleconference)*
Taya Victorino, Executive Assistant, Board of Directors

Guests Naseem Farooqi, *(via teleconference)*

ADDITIONS/DELETIONS TO THE AGENDA

None.

ADDITIONS/
DELETIONS

PUBLIC COMMENT

None.

PUBLIC COMMENT

GENERAL MANAGER/CEO REPORTS

A) District Updates

Mr. John Bosler, General Manager/CEO reported the following:

- Nothing to report other than what is provided in the agenda packet.

GENERAL
MANAGER/CEO
REPORTS

CONSENT CALENDAR

- A) Approve Minutes of the February 23, 2021 Regular Board Meeting.
- B) Approve Board Calendar of Events.
- C) Receive and File January 2021 Water Production Report.
- D) Adopt Resolution No. 2021-3-1 Adopting Employee Policy No. 3.17, California Crime Victims Leave (AB2992)
- E) Adopt Resolution No. 2021-3-2 Adopting Employee Policy No. 3.18, Leave for Victims of Domestic Violence, Sexual Assault, Stalking, or Crime.

CONSENT
CALENDAR

PASSED 5-0

On a motion by Director Curatalo, and seconded by Director Kenley to approve the Consent Calendar Items as submitted by Roll Call Vote:

Ayes: Reed, Cetina, Curatalo, Gibboney, Kenley

Noes: None

Abstain: None

Absent: None

Passed 5-0.

ACWA/JPIA EXECUTIVE COMMITTEE NOMINATIONS

Ms. Taya Victorino provided information regarding the Association of California Water Agencies/Joint Powers Insurance Authority's (JPIA) call for nominations to their Executive Committee. The District is in receipt of requests for the Board's support for the nominations of Melody McDonald of San Bernardino Valley Water Conservation District and Thomas Cuquet of South Sutter Water District. JPIA will hold elections at their May 2021 Board Meeting for four Executive Committee

ACWA/JPIA
EXECUTIVE
COMMITTEE
NOMINATIONS

positions. Candidates must submit a resolution from their agency as well as resolutions concurring their nomination from three other member agencies to secure their nomination. Previously the Board adopted Resolution No. 2021-1-2 nominating President Reed to the ACWA/JPIA Executive Committee, but has the option to support additional candidates equal to the number of committee vacancies. President Reed has worked alongside the two candidates during his tenure on the JPIA Board.

President Reed expressed his support for the two candidates and commented on their qualifications to serve on the Executive Committee.

On a motion by Vice President Cetina, and seconded by Director Kenley to adopt Resolution No. 2021-3-7 concurring the nomination of Melody McDonald of San Bernardino Valley Water Conservation District to the ACWA/JPIA Executive Committee and authorize President Reed to cast the ballot on behalf of the District at the May 2021 JPIA Board Meeting by **Roll Call Vote:**

Ayes: Reed, Cetina, Curatalo, Gibboney, Kenley

Noes: None

Abstain: None

Absent: None

Passed 5-0.

On a motion by Director Gibboney, and seconded by Director Curatalo to adopt Resolution No. 2021-3-8 concurring the nomination of Thomas Cuquet of South Sutter Water District to the ACWA/JPIA Executive Committee and authorize President Reed to cast the ballot on behalf of the District at the May 2021 JPIA Board Meeting by **Roll Call Vote:**

Ayes: Reed, Cetina, Curatalo, Gibboney, Kenley

Noes: None

Abstain: None

Absent: None

Passed 5-0.

GENERAL AND SPECIAL COUNSEL PROFESSIONAL SERVICES CONTRACT

Ms. Carrie Guarino presented the proposed seventh amended and restated agreement for general and special counsel services with Best Best & Krieger (BB&K). Their contract is subject to review at any time and was last reviewed and amended in June 2016. Per the District's purchasing policy, Administrative Policy No. 1.1, specialized legal services are exempt from the bidding requirement. The proposed amendment calls for a 4.2% increase to general counsel services and a 0% increase to special counsel services. Based on the District's invoice history the majority of our requests are spent in the special services category which averages out to a 1% impact to our costs. Last year at the request of the Finance Committee staff performed a survey of the hourly rates of the services BB&K provides and found that the District's contract is competitive with the rates charged to other agencies.

ADOPT
RESOLUTION NOS.
2021-3-7 AND 2021-
3-8 SUPPORTING
THE NOMINATION
OF MEDLODY
MCDONALD AND
THOMAS CUQUET
TO THE ACWA/JPIA
EXECUTIVE
COMMITTEE

PASSED 5-0

APPROVE THE
AMENDED AND
RESTATED
AGREEMENT WITH
BB&K FOR GENERAL
AND SPECIAL
COUNSEL SERVICES

PASSED 5-0

The Board collectively expressed their satisfaction with the level of service that BB&K provides the District, specifically our General Counsel, Mr. Jeff Ferre.

On a motion by Director Curatalo, and seconded by Vice President Cetina to approve the seventh amendment and restated agreement for General and Special Counsel Services effective June 1, 2021 including a provision for annual cost of living increases based on the Consumer Price Index, and authorize the General Manager/CEO to execute the agreement by **Roll Call Vote:**

Ayes: Reed, Cetina, Curatalo, Gibboney, Kenley

Noes: None

Abstain: None

Absent: None

Passed 5-0.

BOARD COMMITTEE REPORT

A) February 16, 2021 Water Resources Committee

Director Curatalo reported the notes accurately reflect what occurred at the meeting.

B) February 18, 2021 Government & Public Affairs Committee

Vice President Cetina reported the notes accurately reflect what occurred at the meeting.

BOARD COMMITTEE
REPORTS

BOARD MEMBER REPORTS

Director Curatalo

- Nothing additional to report at this time.

Director Gibboney

- Nothing additional to report at this time.

Director Kenley

- Nothing additional to report at this time.

Vice President Cetina

- Nothing additional to report at this time.

President Reed

- Attended the IEUA Regional Policy Committee meeting on March 4, 2021. Expressed his anticipation for staff's report on EDU Rate negotiations and his curiosity at discrepancies in the required shutdown days reported by MWD and IEUA.

BOARD MEMBER
REPORTS

WATER RATES WORKSHOP

At 6:22 p.m. President Reed announced that after a brief recess, the Board would conduct a Water Rates Workshop.

Meeting reconvened at 6:23 p.m.

Mr. Chad Brantley provided a PowerPoint presentation for the District's third workshop in a series that was suspended in March of 2020 due to the COVID-19 Pandemic. He provided detailed information about the ongoing cost of service analysis associated with the District's water rate study. He explained the rationale and considerations that form the foundation for the cost of service analysis and shared the projections of the cost of service for the next five years. Staff is seeking feedback from the Board to guide the next steps in the Water Rate Study and prepare for setting the public hearing for the Board's consideration of setting the District's water rates.

Discussion ensued among Board Members, Mr. Brantley, Mr. John Bosler, and Mr. Eduardo Espinoza regarding the effects of proposed rate scenarios on customers, developers and the District's finances.

After detailed discussion among Board Members, President Reed requested they send their specific rate scenario requests to staff to bring to the next rates workshop so the Board can come to a decision on the rate staff will move forward with to complete the rate study.

Mr. John Bosler thanked the Board for its feedback and announced that staff will schedule a workshop to present the Board with additional rate increase scenarios.

This is an information item only. No Board action was taken.

CLOSED SESSION

At 7:40 p.m. President Reed announced that after a brief recess a closed session would be held pursuant to:

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

(Paragraph (1) of subdivision (d) of Government Code Section 54956.9)

Barbara Williams et al. v. Cucamonga Valley Water District et al.

Case No. 20CV364054

Closed session was called to order at 7:47 p.m.

In attendance were the entire Board (Curatalo via teleconference), the General Manager, the Legal Counsel (Ferre, and Garibaldi via teleconference), the Assistant General Manager, Director of Engineering Services, Director of Finance and Technology Services, Director of Operations, and the Executive Assistants (Cisneros, Victorino).

WATER RATES
WORKSHOP

**INFORMATION
ONLY ITEM**

RECONVENE/REPORT ON CLOSED SESSION

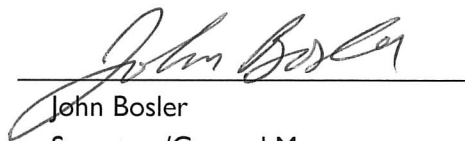
The regular meeting reconvened at 8:35 p.m. at which time Mr. Jeff Ferre announced that there was Direction given to legal counsel under the disclosed closed session but no other reportable action.

ADJOURNMENT

There being no further business to come before the Board, President Reed adjourned the meeting at 8:36 p.m. in recognition of employees Rita Parra, Linda Sanchez and Randy Newman for their dedication and work ethic.


ADJOURNED

AT 8:36 p.m.



John Bosler
Secretary/General Manager

ATTEST:



Randall James Reed
President