

SAN GORGONIO PASS WATER AGENCY
1210 Beaumont Avenue, Beaumont, California 92223
Minutes of the
Board of Directors Meeting
September 3, 2013

Directors Present: John Jeter, President
Bill Dickson, Vice President (arrived at 1:41 pm)
Ted Haring, Director
Mary Ann Melleby, Director
Ray Morris, Director
Barbara Voigt, Director

Director Absent: Ron Duncan, Director

Staff Present: Jeff Davis, General Manager
Thomas Todd, Finance Manager
Kenneth Falls, Operations and Maintenance Manager
Cheryle Rasmussen, Executive Assistant
Russ Behrens, Legal Counsel

1. **Call to Order, Flag Salute and Roll Call:** The meeting of the San Gorgonio Pass Water Agency Board of Directors was called to order by Board President John Jeter at 1:30 p.m., September 3, 2013 in the Agency Boardroom at 1210 Beaumont Avenue, Beaumont, California. Director Melleby led the Pledge of Allegiance to the flag. A quorum was present.
2. **Adoption and Adjustment of the Agenda:** The agenda was adopted as presented.
3. **Public Comment:** No members of the public requested to speak at this time.
4. **Consent Calendar:**
 - A. Approval of the Minutes of the Regular Board Meeting, August 19, 2013
 - B. Approval of the Minutes of the Finance and Budget Workshop, August 26, 2013
 - C. Approval of the Finance and Budget Workshop Report, August 26, 2013

Director Morris moved, seconded by Director Melleby, to approve the consent calendar as presented. Motion passed unopposed.

5. **Reports:**

A. General Manager's Report:

(1) Operations Report: General Manager Davis reported on the following: **(a) SWP Water Deliveries:** The Agency delivered a total of 127 acre-feet to Little San Gorgonio (LSG) Creek ponds and a total of 813 acre-feet to Beaumont Cherry Valley Water District ponds, for a total of 940 acre-feet for the month of August. **(B) Cherry Valley Pump Station:** CVPS will be shut down for two days to perform routine maintenance.

(2) General Agency Updates: **(a) Potential Verizon Cell Tower Lease:** General Manager Davis reminded the Board that the cellular tower contract with T-Mobile is null and void. He also reminded the Board that a Verizon representative had contacted staff last month, expressing its interest in positioning a cellular tower on the same site that T-Mobile had secured a conditional use permit from the City of Beaumont. Verizon has since sent out a team to inspect and survey the site. Verizon's next step is to obtain a conditional use permit, which may take between 6-18 months. Once the conditional use permit has been issued, and after contract negotiations, a formal contract would be presented to the Board for approval. **(b) 2014 Water Bond:** General Manager Davis updated the Board on the modified 2014 water bond. AB 1331 - Climate Change Response for Clean and Safe Drinking Water Act of 2014 as amended Aug. 26, identifies five broad categories of programs and projects that would be allocated funding for a total bond measure of \$6.5 billion. Originally this water bond package was composed of four policy bills and an \$11.14 billion bond. Another water bond bill for the 2014 ballot is SB 42 - known as the Safe Drinking Water, Water Quality and Flood Protection Act of 2014, which would authorize the issuance of bonds in the amount of \$5.6 billion to finance a safe drinking water, water quality, and flood protection program. ACWA's Board has made a policy decision to avoid "earmarks" associated with the bond that allocate funds for specific projects without a competitive process. **(c) Association of California Water Agency's (ACWA) Fall Conference:** ACWA's Fall Conference will be held in Los Angeles from December 3rd through December 6th; all Board members are encouraged to attend. **(d) City of Banning:** A Centennial Gala will be held Saturday, November 2nd at Morongo Casino Resort and Spa. **(e) EBX II:** Operations and Maintenance Manager Ken Falls will be assisting SBVMWD in the operations of EBX II pump stations starting in January on a part-time basis. This collaboration equates to costs savings, as well as an equal partnership in the operation of the facilities. **(f) Department of Water Resources (DWR) Contract Negotiations:** A response letter from DWR, pertaining to the counteroffer that was presented by State Water Contractors, was received this past Thursday. General Manager Davis briefed the Board on DWR's written response. A primary concern for SWC is DWR's fiscal management. The next formal session will take place September 4th; an update will be provided at the next Board meeting.

B. Directors Report: **1)** Director Haring reported on the Pass EDA luncheon that he attended on August 22nd; the guest speaker was Congressman Raul Ruiz. **2)** Director Voigt reported that she attended the Pass EDA luncheon. Director Voigt updated the Board on a past Board member's health status, as he had suffered injuries due to a brutal dog attack. She also reported on the San Geronio Pass Water Task Force committee meetings. **3)** Director Melleby reported that she attended the Pass EDA luncheon. She announced that Duane Burk will be lecturing on the history of the flume at the Dorothy Ramon Center in Banning on Saturday, September 21st at 7:00 p.m. Director Melleby reported on the San Bernardino County Water Conference that was held on August 23rd in Ontario. She reported on the Countywide Vision Water Element Group session and the Delta Fix session that she attended. Director Melleby provided a publication on the Santa Ana Watershed to be placed in the Agency's library. There were no other directors who wished to report at this time.

6. **New Business: (Discussion and Possible Action)**

- A. Consideration of Nominees for ACWA Committees:** ACWA Committee Consideration Form and accompanying materials were included in the agenda packet. President Jeter stated that currently there are two board members that are serving as committee members. The purpose of this action is to nominate or to not nominate board members for ACWA's 2014-2015 committees. Director Morris made a motion, seconded by Director Dickson, recommending that the Board nominate Directors Melleby and Voigt to the same committees that they served during the 2013-2014 term. Director Melleby stated that she has found serving on the communications committee very beneficial. She also stated that she has been supportive of the committee and would like to continue as a communications committee member. Director Voigt stated that she too would like to continue her role on the membership committee. The motion passed unopposed.

General Manager Davis proposed to the Board that item 6C be moved ahead of item 6B of the agenda. The purpose of this request is to allow Bruce Cash to speak on item 6C, as item 6B may require a significant amount of time for discussion. Director Dickson made a motion, seconded by Director Morris, placing item 6C before item 6B. The motion passed unopposed.

- C. Update on San Geronio Pass Water Task Force (SGPWTF):** President Jeter introduced SGPWTF Vice-Chair Bruce Cash. Mr. Cash thanked the Board for inviting him to speak on the task force's behalf. He encouraged the Board to ask questions or voice concerns that they may have relating to the task force and regional water sustainability. He informed the board members and staff that the task force is requesting dates and times to hold workshops with each of the stakeholders in the region. The workshop would be beneficial in that task force members would better comprehend concerns and hear suggestions from "all" directors and staff pertaining to long-term sustainability within the region. Mr. Cash provided a brief overview of how and why the task force was established. He spoke about what the task force has accomplished thus far and what is hoped to be accomplished in the future. He stated that identifying what can be done to enhance water quality, water supply and formulate innovative ways to address long term needs are the primary objectives. Mr. Cash answered a number of questions from board members and staff. President Jeter thanked Mr. Cash for taking the time to speak to the board members regarding the task force objectives.

- B. Consideration of Riverside County Grand Response Letter Recommendations:** A staff report, and a number of response letters to the Grand Jury from other water agencies were included in the agenda packet. The purpose of this proposed Board action is for the Board to provide direction to Staff on what the specific response should be and to authorize Staff to write a response letter for the President's signature. President Jeter received a *Request to Speak* form on item 6b from Blair Ball. Dr. Ball stated that he was in favor of the Grand Jury's recommendations, especially on recommendation number three – to hold Board meetings after 6:00 p.m. He stated that at times he has had to leave the 1:30 p.m. meetings unexpectedly due to emergencies and that he believes that if the meetings were held in the evenings there would be more attendance. Discussion commenced amongst the Board members on the meeting time issue. The board was reminded that the Agency has in the past held meetings in the evenings with no notable increase in attendance. This same result has been found by other water agencies and water districts. After discussion, Director Morris made a

motion, seconded by Director Haring, to continue to hold board meetings and workshops at 1:30 p.m. Dialogue followed which resulted in requesting that there be exceptions to the 1:30 p.m. meeting times, such as "public hearings" or "major issues" meetings, which could be held in the evenings. It was also requested of staff to include a link on the Agency's website allowing the public to submit comments to be read aloud during "Public Comments", thereby allowing the public to voice their opinions and/or concerns without having to be present. President Jeter requested a roll call on the motion to continue to hold board meetings and workshops at 1:30 p.m. Ayes: Haring, Voigt, Morris, Melleby, Dickson & Jeter. Noes: none. Absent: Duncan. Motion passed 6-0, with Director Duncan absent. General Manager Davis referred the Board to the Recommended Responses to Grand Jury Report: Recommendation #1: General Manager Davis proposed that the Agency not implement this recommendation because it is not warranted. The recommendation assumes that the Agency pays insurance premiums for elected officials using funds derived from water rates, which it does not. Recommendation #2: General Manager Davis proposes that the Agency fully implement this recommendation. After discussion, the Board concurred with General Manager Davis' recommendations one and two. Board directed staff to compose a formal response letter for President Jeter's signature to be presented for approval at the next Board meeting.

7. **Topics for Future Agendas:** No topics were requested for future agendas.
8. **Announcements:** President Jeter reviewed the following announcements:
 - A. Engineering Workshop, September 9, 2013 at 1:30 p.m.
 - B. San Geronio Pass Water Task Force, September 9, 2013 at 6:00 p.m., Banning City Hall Council Chambers
 - C. Regular Board Meeting, September 16, 2013 at 1:30 p.m.
9. **Closed Session (2 Items)** The meeting adjourned to closed session at 2:50 p.m.
 - A. General Manager Performance Evaluation – (Government Code Section 54957 (b))
 - B. CONFERENCE WITH LEGAL COUNSEL – POTENTIAL LITIGATION - (Government Code Section 54956.9 (d)(4) (one case)

The meeting reconvened to open session at 4:20 p.m.

Legal Counsel Behrens reported that the Board met in closed session and discussed the matters listed. No action was taken that is reportable under the Brown Act.

10. **Adjournment:** President Jeter adjourned the meeting at 4:20 p.m.



Jeffrey W. Davis, Secretary of the Board
cmr