

SAN GORGONIO PASS WATER AGENCY
1210 Beaumont Avenue, Beaumont, CA
Board of Directors Meeting
Agenda
January 3, 2017 at 7:00 p.m.

1. Call to Order, Flag Salute and Roll Call

2. Adoption and Adjustment of Agenda

3. Public Comment

Members of the public may address the Board at this time concerning items relating to any matter within the Agency's jurisdiction. To comment on specific agenda items, please complete a speaker's request form and hand it to the board secretary.

4. Consent Calendar:

If any board member requests that an item be removed from the Consent Calendar, it will be removed so that it may be acted upon separately.

- A. Approval of the Minutes of the Regular Board Meeting, December 19, 2016*
(Page 3)

5. Reports

- A. General Manager's Report
 - 1. Operations Report
 - 2. General Agency Updates
- B. General Counsel Report
- C. Directors' Reports

6. New Business

- A. Consideration and Possible Action to adopt Resolution 2017-01 Regarding Rotation of Board Officers* (Page 9)
- B. Election of Board Officers
 - a. Nominations for President and Election of President
 - b. Nominations for Vice President and Election of Vice President
 - c. Nominations for Treasurer and Election of Treasurer
 - d. Nominations for Secretary and Election of Secretary
- C. Update on Whitewater Flume* (Page 15)
- D. Consideration and Possible Action to Nominate ACWA Region 9 Board Member* (Page 16)
- E. Consideration and Possible Action to adopt an Invocation Policy* (Page 22)
- F. Consideration and Possible Action to approve an Agreement with San Bernardino Valley Municipal Water District and California Department of Water Resources to Correctly Assign Table A Water Amounts for Yucaipa Valley Water District* (Page 27)

7. Announcements

- A. Engineering Workshop, January 9, 2017 at 4:00 p.m.
 - Review and Discussion of Resolution 2014-02, Establishing a Policy for Meeting Future Water Demands
- B. Office closed **Monday**, January 16, 2017 in observance of Martin Luther King, Jr. Day
- C. Regular Board Meeting, **Tuesday**, January 17, 2017 at 7:00 p.m.

8. Topics for Future Agendas

9. Adjournment

***Information included in Agenda Packet**

(1) Materials related to an item on this Agenda submitted to the Board of Directors after distribution of the agenda packet are available for public inspection in the Agency's office at 1210 Beaumont Avenue, Beaumont during normal business hours. **(2)** Pursuant to Government Code section 54957.5, non-exempt public records that relate to open session agenda items and are distributed to a majority of the Board less than seventy-two (72) hours prior to the meeting will be available for public inspection at the Agency's office, located at 1210 Beaumont Avenue, Beaumont, California 92223, during regular business hours. When practical, these public records will also be made available on the Agency's Internet Web site, accessible at: www.sgpwa.com **(3)** Any person with a disability who requires accommodation in order to participate in this meeting should telephone the Agency (951 845-2577) at least 48 hours prior to the meeting in order to make a request for a disability-related modification or accommodation.

SAN GORGONIO PASS WATER AGENCY
1210 Beaumont Avenue, Beaumont, California 92223
Minutes of the
Board of Directors Meeting
December 19, 2016

Directors Present: David Fenn, President
Ron Duncan, Vice President
Lenny Stephenson, Treasurer
Blair Ball, Director
David Castaldo, Director
Michael Thompson, Director

Staff Present: Jeff Davis, General Manager
Thomas Todd, Finance Manager
Cheryle Rasmussen, Executive Assistant
Jeff Ferre, General 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 David Fenn at 7:00 p.m., December 19, 2016 in the Agency Boardroom at 1210 Beaumont Avenue, Beaumont, California. Director Stephenson led the Pledge of Allegiance to the flag. A quorum was present.
2. **Adoption and Adjustment of Agenda:** *President Fenn asked if there were any adjustments to the agenda.* General Manager Davis recommended moving Items 6A, 6B, 6C & 6D be addressed after item 4; the Board was in agreement. The agenda was adjusted as amended.
3. **Public Comment:** *President Fenn asked if there were any members of the public that wished to make a public comment on items that are within the jurisdiction of the Agency.* Tom Shalhoub wished the Board a Merry Christmas. There were no other members of the public that wished to comment at this time.
4. **Consent Calendar:**
 - A. Approval of the Minutes of the Regular Board Meeting, December 5, 2016
 - B. Approval of the Minutes of the Engineering Workshop, December 12, 2016

Director Stephenson made a motion, seconded by Director Duncan, to adopt the consent calendar as presented. Motion passed 6-0.

6. New Business: (Discussion and Possible Action)

A. Consideration of Acceptance 2015-2016 Audit Report (Linda Devlin, of Ahern Adcock Devlin LLP (AAD), a division of SingerLewak): A staff report and a copy of the Independent Auditor's Report for the Year Ended June 30, 2016 was included in the agenda packet. General Manager Davis explained the State's requirement of an annual Audit Report for public agencies. He stated that the Board must do their due diligence in looking after the Agency's finances and assuring the taxpayers that the books are well kept. He introduced Linda Devlin to present the 2015-2016 Audit Report. Ms. Devlin reviewed the audited Financial Statements for the Year Ended June 30, 2016. In summary, the overall income (Operating and Non-operating) totals \$22.98 million for FY 2015-16, an increase of \$1.94 million from FY 2014-15. Overall expenses (Operating and Non-Operating) totaled \$11.59 million for FY 2015-16, an increase of \$0.36 million from FY 2014-15. The resulting Net Income is \$11.49 million. Ms. Devlin concluded

her presentation and answered questions from the Board. After discussion, Director Duncan made a motion, seconded by Director Castaldo, to accept the 2015-2016 Audit as presented. Motion passed 6-0.

B. Public Hearing on Determination of whether to Form a Groundwater Sustainability Agency (GSA) Pursuant to the Sustainable Groundwater Management Act for One-Square Mile in the Verbenia Area: President Fenn opened the public hearing. General Manager Davis stated that under the Sustainable Groundwater Management Act, the State requires public agencies around the state to form Groundwater Sustainability Agency's for certain types of groundwater basins. The Agency has worked closely with a number of other public agencies in the eastern portion of its service area, to develop a GSA governance structure for most of our service area in the San Gorgonio Pass Sub-Basin. General Manager Davis provided an image that showed the San Gorgonio Pass Sub-Basin detailing the Verbenia area, the SGPWA boundary, Desert Water Agency boundary, Mission Springs Water District (MSWD), Cabazon Water District and Morongo Band of Mission Indians (MBMI) Tribal lands. He explained that MSWD elected to be a GSA for the one-square mile of land that is in its service area, as well as the Agency's service areas. The Agency has 90 days to also elect to be a GSA for this area. MSWD has made it clear that it is not opposed to the Agency electing to become part of a GSA for the one square mile. The purpose of this proposed Board action is to determine if the Board wishes to also become the GSA for the one-square mile in the Verbenia area. Comments were received from Eric Fraser (BCVWD – General Manager) who had some concerns about exposure in a basin that also includes the Morongo Band of Mission Indians. Paeter Garcia (BBK) responded and stated that we need to ensure coordination and collaboration with the Morongo Band of Mission Indians. During the last 9 months we have been involved in a very intensive effort with all of the stake holder agencies that purvey water from this basin to coordinate, cooperate and identify what it means to be a GSA and to develop a Memorandum of Understanding. A representative of the Tribe has stated that they are there to work with the stake holders. Additional discussion was on the Groundwater Sustainability Plans. After further discussion, President Fenn closed the hearing.

C. Consideration of Resolution No. 2016-08, Election to Become a Groundwater Sustainability Agency: A staff report and Resolution 2016-08 were included in the agenda packet. General Counsel Ferre stated that the recommendation is for the Board to approve Resolution 2016-08, electing to become a GSA for the one square mile in the Verbenia area, thus allowing the Agency to participate in overall management of the San Gorgonio Pass Sub-basin, and that the Board authorize Staff to file the appropriate documentation with DWR to become a GSA. Director Stephenson made a motion, seconded by Director Duncan, approving Resolution 2016-08 as presented. Motion passed 6-0.

D. Overview of Urban Water Management Plans (UWMP): A PowerPoint presentation was included in the agenda packet. General Manager Davis informed the Board that he asked Paeter Garcia (BBK) to attend tonight's meeting; his expertise is in SGMA and UWMPs. The Agency will be presented with an UWMP for approval within the next couple of months. General Manager Davis introduced Mr. Garcia to go over the UWMP process. He stated that the entities that are required to prepare an UWMP are publicly or privately owned water suppliers (including wholesalers), providing water for municipal purposes either directly or indirectly to more than 3,000 customers or

supplying more than 3,000 acre-feet per year. In addition, he reviewed why UWMPs were developed, stating that UWMP are not project specific, they are long-term planning documents. An UWMP is often used as key reference document for land use planning and decision making. It is also used as a source document for CEQA review, Water Supply Assessments, written verifications, and other water supply analyses. Mr. Garcia answered questions from the board and concluded his presentation.

5. Reports:

A. General Manager's Report:

(1) Operations Report: (a) SWP Water Deliveries: The Agency has delivered a total of 798 acre-feet to the Noble Creek Connection, so far this month. **(b) CVPS** was not visited during the Agency's tour that took place on December 12th. General Manager Davis reported to the Board that CVPS new Pump 4 (the largest pump – 20 cfs) has been working for the past several days.

(2) General Agency Updates: (a) Northern California Hydrologic Conditions. General Manager Davis spoke on the precipitation index for the dates of December 15 and December 16 in Northern Sierra, San Joaquin and Tulare Basin. He also spoke on Lake Oroville storage levels for the same dates. So far this water year looks impressive, however precipitation now is not a guarantee that it will continue. **(b) Water Resources Development Act:** The WRDA was signed by President Obama. The WRDA is also known as the California Drought Act. The bill had been in the Congress for a number of years, introduced by Senator Feinstein each session; Senator Boxer initially supported the bill, but then ended up opposing it. The bill includes funding for recycled water, stormwater capture, and environmental issues. **(c) YVWD:** YVWD is hosting AB 1234 ethics training on January 19th from 6 to 8 pm.

B. General Counsel Report: (a) General Counsel Jeff Ferré stated that the Board had charged him with looking into a couple of items during the last meeting. General Manager Davis is working on providing Resolution 2006-01, pertaining to Section 101-11 of the Agency's Act of setting forth the board election of officers in even-numbered years and changing to odd-numbered years. Section 13 of the Act deals with legal rights of the Agency. He stated that in his opinion there is flexibility to change the board election years. **(b)** The other issues were what are the offices of the board and how are they appointed. General Counsel Ferre referred to Section 14 of the Agency's Act reading it verbatim. He provided detailed information on the officers titles, duties and he explained that the Agency needs to have a secretary, treasurer and auditor, but there is flexibility in terms of who they are, whether an outside contractor or in house auditor. General Counsel Ferre referred to Section 16 of the Act reading it verbatim, referring to general manager and officer's duties. **(c)** There was also a question on an invocation policy. He stated that the Agency should have a policy for invocation should the Board desire to incorporate an invocation. He explained what the policy should include and what the parameters set by the courts for an invocation. It was determined by the Board to continue discussion on the invocation issue. President Fenn requested from General Counsel Ferre an electronic version of the Brown Act for all the board members. Director Castaldo questioned General Counsel Ferre as to what the specific duties are for the president of the board. General Counsel Ferre stated that there is no level of detail in the Act, it is an internal policy or based on the specific action taken by the Board. General Manager Davis stated that duties may be included in a board handbook, which needs to be developed.

C. Directors Reports: (1) Director Thompson reported on the BCVWD meeting that he attended on December 14th. **(2) Director Ball** reported on the the BCVWD meeting that he attended on December 14th. **(3) President Fenn** reported on the the BCVWD meeting that he attended on December 14th. **(4) Director Duncan** reported on the South Mesa Water District meeting that both he and Director Stephenson attended on December 14th. **(5) Director Castaldo** thanked staff for the work that they put in to provide a Field Trip to Crafton Hills Reservoir and Citrus Reservoir that took place on December 12th.

6. New Business: (Discussion and Possible Action)

E., F. and G. Consideration of Resolution Nos. 2016-09, 10 and 11 Honoring John Jeter, Bill Dickson and Mary Ann Melleby: A copy of Resolution Nos. 2016-09, 10 and 11 were included in the agenda packet. General Manager Davis explained that whenever a board member leaves the board we develop resolutions honoring them. There are a total of three resolutions. Director Duncan made a motion, seconded by Director Stephenson, approving Resolutions 2016-09, 2016-10 and 2016-11, recognizing John Jeter, Bill Dickson and Mary Ann Melleby for their years of service to the Board and which were set forth as items **6 (E), (F) and (G)**. Motion passed 6-0.

H. Ratification of Paid Invoices and Monthly Payroll for November, 2016 by Reviewing Check History Reports in Detail: A copy of the Check History Report was included in the agenda packet. Director Castaldo made a motion, seconded by Director Duncan, to approve that the Board ratify paid monthly invoices of \$817,175.63 and payroll of \$32,695.94 for the month of June, 2016, for a combined total of \$849,871.57. Motion passed 6-0.

I. Approval of Pending Legal Invoices for November, 2016: A copy of the Legal Invoices Accounts Payable Invoice Listing was included in the agenda packet. Director Castaldo made a motion, seconded by Director Stephenson, approving payment of the pending legal invoices for June, 2016. Motion passed 6-0.

J. Review of November, 2016 Bank Reconciliation: A copy of the Bank Reconciliation for November 30, 2016 was included in the agenda packet. Director Duncan made a motion, seconded by Director Stephenson, to move for approval. Motion passed 6-0.

K. Acknowledge Receipt of Budget Report for November, 2016: A copy of the Budget Report was included in the agenda packet. President Fenn asked if the board members had any questions. Director Duncan asked if there were any significant changes. General Manager Davis stated that he would recommend approval tonight and at the January Finance and Budget meeting an extensive amount of time will be spend on the Budget Report. Director Duncan made a motion, seconded by Director Stephenson, approving the Budget Report as presented. Motion passed 6-0.

L. Consideration of Preparations for Filling Board Vacancy: A staff report and a copy of Division 3 Notice of Vacancy were included in the agenda packet. General Counsel Ferre stated that John Jeter resigned from the board effective December 7,

2016. The Board is required to make an appointment within 60 days from notification, or the effective date of the vacancy, whichever is later. A special election could be called at an extreme cost, which is not recommended. General Counsel Ferre provided details on how to conduct the vacancy proceedings. Staff recommends that the Board take action to authorize moving forward with the Notice of Vacancy requirements, so that it is clear that there will be an appointment, as opposed to a special election. The appointee's term of office will expire December 2018. General Counsel Ferre read the Notice of Vacancy for Division 3 and also read the legal requirements as noted in the staff report. The deadline to appointment a new board member is February 6th. The Board decided that letters of interest must be delivered no later than 4:30 p.m. on January 9, 2017. The candidates review will be conducted during a regular board meeting to be set on January 17, 2017. After discussion, Director Castaldo made a motion, seconded by Director Ball, to proceed with the notice requirements and other preparations for filling the vacancy on the Board of Directors, by appointment, which has resulted from the resignation of John Jeter, Division 3. Motion passed 6-0.

M. Discussion of Resolution 2014-02 – Establishing a Policy for Meeting Future Water Demands: A copy of Resolution 2014-02 was included in the agenda packet. President Fenn commented that he had attended the BCVWD board meeting in which the Policy for Meeting Future Water Demands was discussed several times during the BCVWD presentation of its UWMP. President Fenn stated that this item was requested by Director Ball. President Fenn invited Director Ball to continue discussion. Director Ball stated that in 2014 the Board had approved this resolution. He is concerned with items A, B and C of the resolution. He feels that the Agency is sending a message that water is easily obtainable. He does not want to send the message to others that it's simply 30 days and it's a done deal. Director Ball expressed his personal opinion that the resolution should be rescinded. Director Stephenson suggested a memorandum of understanding with the retailers within our service area, as the Act states that the Agency will provide supplemental water, not all of the water. President Fenn requested General Manager to give a history on what took place during the workshops, etc. leading to the Water Policy, and for General Counsel Ferre to provide opinion if it is a possibility to do an MOU. General Manager Davis explained the steps the Board has taken to bring additional water supplies to the region. In light of the Strategic Plan that had been adopted it was decided to take a strong policy stand on the Agency's role in obtaining additional water supplies, consistent with the Strategic Plan. The Board ultimately decided that it is in the best interest to not only contract with DWR for water, but to also supply the water demands of the region for the future, as other State Water Contractors do within the state. General Counsel Ferre spoke on Director Stephenson's suggestion of an MOU. He stated that we have tried agreements over the last couple of years regarding a collection of capacity fees on behalf of the Agency. Being the wholesaler we have the authority to set out the parameters of what we are doing and how we are going to get water. He recommended revisiting the policy, as to whether or not we need to make any changes, or come up with a new policy, or revise the current policy; as opposed to entering into an agreement with the retailers. Director Duncan stated that at the end of the day the Act itself states that we are to secure new water. General Counsel Ferre reminded the Board that this is a resolution and that it does not impact our authority, ultimately it is what our Act states. Director Thompson stated that our customers are relying heavily on the resolution as it has given them the feeling that they can demand, request, and can get as much water as they need. Director Stephenson believes that an MOU is still needed specifically pertaining to the cooperation of a capacity fee. If retailers are unwilling to collect a capacity fee on behalf of the Agency

then we are still at a disadvantage. General Counsel Ferre stated that if this resolution is being interpreted as some sort of a vested right, it is not. Director Castaldo stated that during his tenure on the Beaumont City Council the City interpreted the resolution as saying the water agency will go out and get everything they need. In his opinion, the resolution needs to be more detailed. President Fenn suggested finishing the UWMP, and then review the Water Policy and the Wheeling Policy, to then modify these based on our UWMP at a future workshop. Director Ball stated that this should be rescinded tonight. General Counsel Ferre stated that this item was presented specifically as a "Discussion" item; therefore no vote can take place this evening. Director Ball requested that this item be placed on the next agenda for discussion and possible action.

7. Topics for Future Agendas: 1. Discussion and Possible Action to revise or recind Resolution 2014-02, Establishing a Policy for Meeting Future Water Demands. 2. Duties of Officers and possibly develop a rotation policy on the terms of Board President, discussion and possible action to take place prior to voting in officers. General Counsel Ferre stated that he will present to the Board possible options. 3. Discussion on developing a Board Handbook.

8. Announcements

- A. Office closed Friday, December 23, 2016 in observance of Christmas Eve
- B. Office closed Monday, December 26, 2016 in observance of Christmas
- C. Canceled – Finance and Budget Workshop, December 26, 2016
- D. Office closed Friday, December 30, 2016 in observance of New Year's Eve
- E. Office closed Monday, January 2, 2017 in observance of New Year's Day
- F. Regular Board Meeting, Tuesday, January 3, 2017 at 7:00 p.m.

9. Adjournment

Time: 9:38 p.m.

Draft - Subject to Board Approval

Jeffrey W. Davis, Secretary of the Board

0111

MEMORANDUM

TO: Board of Directors

FROM: General Counsel

RE: A. Consideration and possible action to adopt Resolution No. 2017 - 01 establishing a policy for rotation of Board officers

B. Background information regarding the duties of Board officers

DATE: January 3, 2017

A. ROTATION OF OFFICERS

Recommendation:

1. Review and revise provisions of the proposed Resolution No. 2017 - 01 to reflect the wishes of the Board regarding the schedule for election of officers and the procedure for rotation;
2. If the Board wishes to do so, the Board could adopt Resolution No. 2017- 01 establishing a policy for rotation of Board officers.

Background:

The Board directed legal counsel and staff to develop a potential policy for rotation of Board officers. Resolution 2017- 01 would establish a rotational basis for electing Board officers. If the Board desires to implement a rotation, then adoption of the Resolution should be considered prior to the election of Board officers, which is also on the agenda for this January 3, 2017 meeting.

Board's Discretion:

Even if the Board adopts the Resolution, there would still need to be a vote at the applicable Board meeting pursuant to the rotation.

There would not be an automatic rotation. In addition, at the time of the rotation, the Board could decide to elect Board officers on some basis other than the rotation.

Schedule For Election Of Board Officers:

Please note that prior to adopting the Resolution, the Board will need to decide what schedule they wish to use for rotating officers. The Resolution includes optional “[OR]” language depending on which schedule the Board wishes to implement. Depending on what schedule is adopted, the remaining optional language would be deleted prior to execution of the Resolution. The optional language for each step in the rotation provides as follows:

“... before the first meeting of the Board in January of each year [OR] each odd numbered year [OR] each even numbered year...”

The Resolution provides for the following rotation:

- (a) The Director serving as President shall rotate out of that position and into the seventh position in the rotation.
- (b) The Director serving as Vice President shall be elected President.
- (c) The Director serving as Treasurer shall be elected Vice President.
- (d) The Director who is in the fourth position in the rotation and/or serving as Secretary shall be elected Treasurer.
- (e) The Director who is in the fifth position in the rotation shall be elected Secretary unless the Board takes action at said meeting to elect the General Manager as Secretary.
- (f) The Director who is in the sixth position in the rotation shall rotate out of that position and into the fifth position in the rotation.

(g) The Director who is in the seventh position in the rotation shall rotate out of that position and into the sixth position in the rotation.

B. INFORMATION REGARDING DUTIES OF BOARD OFFICERS

Background:

The Board directed legal counsel to summarize the duties of Board officers as such duties may be found in the Agency Act, laws or Agency policies.

Agency Act:

Section 21 of the Agency Act sets forth duties of the president, secretary, and treasurer as follows:

The president, vice president, and secretary in addition to the respective duties imposed on them by law shall perform such duties as may be imposed on them by the board of directors. The treasurer, or such other person or persons as may be authorized by the board of directors, shall draw checks or warrants to pay demands when such demands shall have been audited and approved in the manner prescribed by the board of directors.

If the president is absent or unable to act, the vice president shall exercise the powers of the president granted by this act.

General Duties:

Aside from the Agency Act, the duties of Board officers generally depend on the nature of the action that is before the Board. For example, the President chairs meetings and signs resolutions and ordinances. When the Board takes action to support or oppose legislation or some other issue, the letter from the Board is signed by the President on behalf of the Board. When public hearings are required by statute, the President is the individual who opens and closes public hearings.

RESOLUTION NO. 2017-01

A RESOLUTION OF THE SAN GORGONIO PASS WATER AGENCY ESTABLISHING A POLICY FOR ROTATION OF BOARD OFFICERS

WHEREAS, the San Gorgonio Pass Water Agency (“Agency”) is a state water contractor formed under special act legislation set forth in the Water Code Uncodified Acts, Act 1100 ("Act"); and

WHEREAS, the Section 11 of the Act provides that at its first meeting in the month of January of each even-numbered year, the Board of Directors shall choose one of its members President and another of its members Vice President. Section 14 of the Act provides that the Board shall appoint a Secretary and Treasurer, among other positions. The Board has traditionally appointed the General Manager as the Secretary; and

WHEREAS, on January 17, 2006, the Board adopted Resolution 2006-01 which provides that the President and Vice President shall be chosen at the first meeting in January of each odd-numbered year. Said resolution was adopted due to the change in Board elections to even-numbered years and the Board’s desire to then coordinate the time for choosing the President and Vice President in January of each odd-numbered year following the election in the preceding year. In order to be consistent with Section 11 of the Act, Resolution 2006-01 further provides that in each even-numbered year, the Board will hereby choose as its President and Vice President the then-current Directors holding those positions and that said Directors will hold such offices until the following January of the following odd-numbered year; and

WHEREAS, the Board desires to adopt a policy whereby Directors will be chosen as Board officers on a rotational basis.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE SAN GORGONIO PASS WATER AGENCY AS FOLLOWS:

1. Incorporation Of Recitals The Recitals set forth above are incorporated herein and made an operative part of this Resolution.

2. Rotation Of Board Officers The election of Directors to the positions of President, Vice President, Secretary and Treasurer shall be implemented as follows:

(a) The Director serving as President before the first meeting of the Board in January of each year [OR] each odd numbered year [OR] each even numbered year, shall rotate out of that position and into the seventh position in the rotation among Board members.

(b) The Director serving as Vice President before the first meeting of the Board in January of each year [OR] each odd numbered year [OR] each even numbered year, shall be elected President.

(c) The Director serving as Treasurer before the first meeting of the Board in January of each year [OR] each odd numbered year [OR] each even numbered year, shall be elected Vice President.

(d) The Director who is in the fourth position in the rotation and/or serving as Secretary before the first meeting of the Board in January of each year [OR] each odd numbered year [OR] each even numbered year, shall be elected Treasurer.

(e) The Director who is in the fifth position in the rotation among Board members before the first meeting of the Board in January of each year [OR] each odd numbered year [OR] each even numbered year, shall be elected Secretary unless the Board takes action at said meeting to elect the General Manager as Secretary.

(f) The Director who is in the sixth position in the rotation among Board members before the first meeting of the Board in January of each year [OR] each odd numbered year [OR] each even numbered year, shall rotate out of that position and into the fifth position in the rotation among Board members.

(g) The Director who is in the seventh position in the rotation among Board members before the first meeting of the Board in January of each year [OR] each odd numbered year [OR] each even numbered year, shall rotate out of that position and into the sixth position in the rotation among Board members.

3. **New Members Of the Board** Any Director who takes office as a new member of the Board, as opposed to taking office upon reelection, shall take the seventh position in the rotation among Board members as of the first meeting of the Board in January of each year [OR] each odd numbered year [OR] each even numbered year. In that event, the other Directors shall then be rotated to one higher position in the rotation and the Board shall then conduct the election pursuant to the rotation.

4. **Implementing The Rotation** At the first meeting of the Board in January of each year [OR] each odd numbered year [OR] each even numbered year, the Board shall elect Directors to the positions of Board officers pursuant to the rotation. Separate votes may be taken on the positions of President, Vice President, Treasurer, and Secretary in order to elect each position pursuant to the rotation. In the alternative, one vote may be taken on all officer positions. Either type of vote shall include a vote to either appoint the General Manager as Secretary or to appoint a Director as Secretary pursuant to the rotation.

5. **Discretion Of The Board** At any time prior to any particular election of officers pursuant to the rotation, the Board may determine, by motion/Minute Order, to waive or otherwise suspend the rotation. In that event, that particular election shall take place on any other basis as determined by a majority of the Board. Any such motion/Minute Order may also address what impact, if any, the suspension of the rotation will have on the position of Directors in the rotation for future elections of Board officers.

6. **Controlling Effect** The intent of this Resolution is to implement procedures for the election of Board officers in addition to, and in conjunction with, the Act and any and all other Board policies. In the event of any conflict between the provisions of this Resolution and any other Board policy, the provisions of this Resolution shall be controlling.

7. **Effective Date** - The President of the Board shall sign this Resolution and the Secretary of the Board shall attest thereto, and this Resolution shall be in full force and effect immediately upon adoption.

8. **Severability** - 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.

ADOPTED AND APPROVED this 3rd day of January, 2017.

President, Board of Directors
San Geronio Pass Water Agency

ATTEST:

Secretary, Board of Directors

MEMORANDUM

TO: Board of Directors

FROM: General Manager

RE: Update on Whitewater Flume (FERC P-344)

DATE: January 3, 2017

Summary:

The Board has several new members, and a lot has happened in regard to this project over the past two months. Staff will present a Power Point at the Board meeting that updates the Board on the current situation, provides some history on the project, and provides a number of alternative actions that the Board could choose to take going forward. A copy of the Power Point will be handed out at the Board meeting.

Recommendation:

There will be no recommended action. This item is for information only.

MEMORANDUM

TO: Board of Directors

FROM: General Manager

RE: Vacancy on ACWA's Region 9 Board of Directors

DATE: January 3, 2017

Summary:

When Director Melleby retired, she created not only a vacancy on the Agency Board but also on ACWA's Region 9 Board. The purpose of this proposed Board action is to determine if the Board wishes to nominate someone from the Agency to fill that vacancy.

Background:

The Association of California Water Agencies (ACWA) is the premier water industry trade association in California. The Agency has been a member for many years, and has always been active in the organization. Several Agency Board members have served on ACWA's Region 9 Board, which includes San Bernardino and Riverside Counties.

Detailed Report:

ACWA is a bottom-up organization. Much of the leadership of the organization comes from its committees and its regions. The Region 9 Board serves to bring issues to Region 9 members, plan events for the region, and to bring advice and information to ACWA's Board. The Region 9 Chair and Vice-Chair serve on ACWA's Board of Directors.

The attached documents provide more details. Should the Board wish to nominate a Board member or a staff member to the Region 9 Board, it would have to pass a resolution to that effect, and the individual would have to complete the attached nomination form. The Region 9 Board will select one candidate to fill the vacancy. The application deadline is February 6.

Fiscal Impact:

There would be an insignificant fiscal impact, as the Agency would reimburse the Board member for any travel expenses related to serving on the Board. However this would be a miniscule amount of money, as the Board's meetings are all within the region.

Relationship to Strategic Plan:

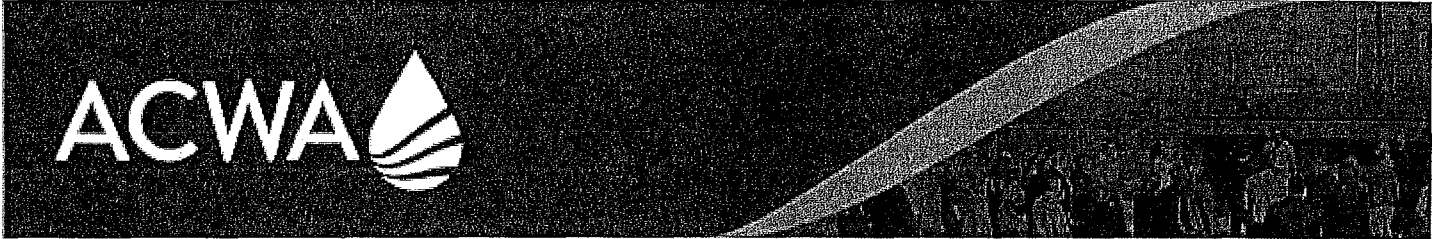
There is no direct relationship to the Agency's strategic plan.

Recommendation:

Staff has no recommendation. The Board may wish to nominate someone from the Agency to the Region 9 Board, but is not required to do so.

Cheryle Rasmussen

From: Ana Javid <AnaJ@acwa.com> on behalf of ACWA Region Elections
<regionelections@acwa.com>
Sent: Thursday, December 8, 2016 2:32 PM
Subject: ACWA Region 9 Call for Candidates



MEMORANDUM

Date: December 8, 2016

To: ACWA Region 9 Member Agency Presidents and General Managers
(sent via e-mail)

From: ACWA Region 9 Board

The Region 9 Board is looking for ACWA members who are interested in leading the direction of ACWA Region 9 for the 2016-2017 term. The Board is seeking candidates to fill one Board Member vacancy.

The leadership of ACWA's ten geographical regions is integral to the leadership of the Association as a whole. The Chair and Vice Chair of Region 9 serve on ACWA's Statewide Board of Directors and recommend all committee appointments for Region 9. The members of the Region 9 Board determine the direction and focus of region issues and activities. Additionally, they support the fulfillment of ACWA's goals on behalf of members.

If you, or someone within your agency, are interested in serving in a leadership role within ACWA by becoming a Region 9 Board Member, please familiarize yourself with the Role of the Regions and Responsibilities; and the Region 9 Rules and Regulations ([HERE](#)) and complete the following steps:

- **Complete the attached Nomination Form [HERE](#)**
- **Obtain a Resolution of support from your agency's Board of Directors ([Sample Resolution HERE](#))**
- **Submit the requested information to ACWA as by February 6, 2017**

The Region 9 Board will make their appointment shortly thereafter and will inform the region of the results.

If you have any questions, please contact ACWA Regional Affairs Representative Brandon Ida at brandoni@acwa.com or ACWA Region & Member Services Specialist II Ana Javid, at anaaj@acwa.com or call (916) 441-4545.



REGION BOARD CANDIDATE NOMINATION FORM

Name of Candidate: _____
 Agency: _____ Title: _____
 Agency Phone: _____ Direct Phone: _____
 E-mail: _____ ACWA Region: _____ County: _____
 Address: _____

Agency Function(s): (check all that apply)

- | | | |
|---|---|---|
| <input type="checkbox"/> Wholesale | <input type="checkbox"/> Sewage Treatment | <input type="checkbox"/> Flood Control |
| <input type="checkbox"/> Urban Water Supply | <input type="checkbox"/> Retailer | <input type="checkbox"/> Groundwater Management / Replenishment |
| <input type="checkbox"/> Ag Water Supply | <input type="checkbox"/> Wastewater Reclamation | <input type="checkbox"/> Other: _____ |

Describe your ACWA-related activities that help qualify you for this office:

In the space provided, please write or attach a brief, half-page bio summarizing the experience and qualifications that make you a viable candidate for ACWA Region leadership. Please include the number of years you have served in your current agency position, the number of years you have been involved in water issues and in what capacity you have been involved in the water community.

I acknowledge that the role of a region board member is to actively participate on the Region Board during my term, including attending region board and membership meetings, participating on region conference calls, participating in ACWA's Outreach Program, as well as other ACWA functions to set an example of commitment to the region and the association.

*I hereby submit my name for consideration by the Nominating Committee.
(Please attach a copy of your agency's resolution of support/sponsorship for your candidacy.)*

Signature

Title

Date

Submit completed form to Ana Javaid at anaj@acwa.com.

Submit

RESOLUTION NO. _____

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
(DISTRICT NAME)
PLACING IN NOMINATION (NOMINEE NAME)
AS A MEMBER OF THE ASSOCIATION OF CALIFORNIA WATER AGENCIES
REGION ____ (POSITION)**

BE IT RESOLVED BY THE BOARD OF DIRECTORS OF (DISTRICT NAME) AS FOLLOWS:

A. Recitals

(i) The Board of Directors (Board) of the (District Name) does encourage and support the participation of its members in the affairs of the Association of California Water Agencies (ACWA).

(ii) (Nominee Title), (Nominee Name) is currently serving as (Position) for ACWA Region ____

and/or

(iii) (Nominee Name) has indicated a desire to serve as a (Position) of ACWA Region ____.

B. Resolves

NOW, THEREFORE, BE IT RESOLVED THAT THE BOARD OF DIRECTORS OF (DISTRICT NAME),

(i) Does place its full and unreserved support in the nomination of (Nominee Name) for the (Position) of ACWA Region ____.

(ii) Does hereby determine that the expenses attendant with the service of (Nominee Name) in ACWA Region ____ shall be borne by the (District Name).

Adopted and approved this ____ day of ____ (month) 2014.

(SEAL)

(Nominee Name), (Title)
(District Name)

January 2014

ATTEST:

(Secretary Name), Secretary

I, (SECRETARY NAME), Secretary to the Board of Directors of (District Name), hereby certify that the foregoing Resolution was introduced at a regular meeting of the Board of Directors of said District, held on the ____ day of ____ (month) 2014, and was adopted at that meeting by the following roll call vote:

AYES:

NOES:

ABSENT:

ATTEST:

(Secretary Name), Secretary to the
Board of Directors of
(District Name)

January 2014

MEMORANDUM

TO: Board of Directors

FROM: General Counsel

RE: Consideration and possible action to adopt an Invocation Policy

DATE: January 3, 2017

Recommendation:

That the Board consider and possibly adopt an Invocation Policy which would provide for an invocation at Board meetings at the time of the Call to Order, Flag Salute, Invocation and Roll Call.

Background:

The Board directed legal counsel to develop a potential Invocation Policy and to provide an explanation of the current legal parameters.

Courts have ruled that an invocation at board/council meetings is compatible with the Establishment Clause of the First Amendment and that "an insistence on nonsectarian or ecumenical prayer as a single, fixed standard is not consistent with the tradition of legislative prayer. (*Town of Greece v. Galloway*)

However, this does not mean there are no constraints on legislative prayer. The courts have ruled that "the relevant constraint derives from its place at the opening of legislative sessions, where it is meant to lend gravity to the occasion and reflect values long part of the Nation's heritage." (*Town of Greece v. Galloway*)

There is not a constitutional requirement for religious diversity. The Agency is not required to reach beyond its service area to achieve religious balance.

Courts have indicated the invocation is more suspect if delivered by an elected official (although this is not settled law). As can be seen from the draft Guidelines, it is not recommended that the opportunity to provide an invocation be thrown open to a member of the audience if the scheduled clergy does not arrive. That is because the courts have imposed limits which necessitate a policy limiting participation to clergy who will follow the required parameters.

Summary of Proposed Guidelines:

1. The invocation shall be located at a place on the agenda that is not connected to any Agency business.
2. The President shall introduce the speaker and shall invite attendees to join in the invocation only if they wish to do so.
3. No one shall be required to participate.
4. No one shall engage in any prior inquiry, review of, or involvement in, the content of any invocation.
5. The invocation shall not be made in a manner that advances or disparages any faith or belief.
6. Any speaker who provides an invocation in violation of the Policy shall not be invited to provide a future invocation.
7. The invocation shall be voluntarily delivered by an eligible member of the clergy/religious leader in the Agency service area. To ensure that such person is selected from among a wide pool of clergy/religious leaders, on a rotating basis, speakers shall be selected according to a procedure to be implemented by the Secretary.
8. No speaker shall receive compensation for his or her service.
9. The Secretary shall make every reasonable effort to ensure that a variety of eligible speakers are scheduled for the Board meetings.

**SAN GORGONIO PASS WATER AGENCY
INVOCATION POLICY
Adopted January 3, 2017**

INTRODUCTION

The purpose of this Policy is to provide for traditional invocations at meetings of the Board of Directors of the San Gorgonio Pass Water Agency ("Agency") consistent with court rulings including, but not limited to, *Town of Greece v. Galloway* (2014), *Rubin v. City of Burbank* (2002), *Lynch v. Donnelly* (1984), and *Marsh v. Chambers* (1983). Courts have ruled that an invocation at the beginning of a legislative session is consistent with the First Amendment if it is intended to lend gravity to the occasion, is solemn and respectful in tone, and invites lawmakers to reflect upon shared ideals and common ends.

This Policy is to provide for traditional legislative invocations at the commencement of Agency Board meetings in a manner that upholds and balances the principles of the Establishment Clause and the Free Exercise Clause of the First Amendment.

This Policy is not intended, and shall not be implemented or construed in any way, to affiliate the Board with, nor to express the Board's preference for, any faith or religious denomination. Rather, this Policy is intended to acknowledge and express the Board's respect for the diversity of religious denominations and faiths represented and practiced among citizens within the Agency service area.

Nothing herein shall abridge the right of any person to address the Board during that portion of any meeting set aside and designated for public comment, subject to the laws and policies regarding such participation.

GUIDELINES

1. The invocation shall be given at the commencement of the meeting and the speaker shall keep his/her remarks to the same time period as permitted for public comments. The invocation shall be at a place on the agenda that is not connected to any Agency business.
2. At the time of the "Call to Order, Flag Salute, Invocation and Roll Call" on the agenda, the President shall introduce the speaker and shall invite attendees to join in the invocation only if they voluntarily wish to do so.
3. No Director, Agency employee, or any other person in attendance at the meeting, shall be required to participate.

4. No Director or Agency employee shall engage in any prior inquiry, review of, or involvement in, the content of any invocation.
5. The invocation shall not be made in a manner that advances or disparages any faith or belief.
6. Any speaker who provides an invocation in violation of this Policy shall not be invited to provide a future invocation.
7. The invocation shall be voluntarily delivered by an eligible member of the clergy/religious leader in the Agency service area. To ensure that such person is selected from among a wide pool of clergy/religious leaders, on a rotating basis, the speaker shall be selected according to the following procedure:

(a) The Secretary shall compile and maintain a database ("Congregations List") of the religious congregations with an established presence in the Agency service area. All religious congregations with an established presence in the Agency service area are eligible to be included on the Congregations List, and any such congregation can confirm its inclusion by specific written request to the Secretary. The Congregations List shall be updated, by reasonable efforts of the Secretary, on an annual basis.

(b) The Secretary shall mail and/or email an invitation addressed to the religious leader of each congregation listed on the Congregations List. The invitation should include language along the following lines:

Dear Religious Leader,

The San Geronimo Pass Water Agency Board of Directors makes it a policy to invite members of the clergy in the Agency service area to voluntarily offer an invocation before the beginning of its Board meetings. As the leader of one of the religious congregations with an established presence in the Agency service area, you are eligible to give an invocation at an upcoming Agency Board meeting.

If you are willing to participate, please send a written reply to the Secretary at the address and/or email address included herein. Clergy are scheduled on a first-come, first-serve or other random basis. The dates of the Board meetings scheduled for the upcoming year are listed on the following attached page. If you have a preference among the dates, please state that request in your written reply.

This opportunity is voluntary, and you are free to offer the invocation according to the dictates of your own conscience. To maintain a spirit of respect and inclusion, the Agency Board requests only that the opportunity not be exploited as an effort to convert others to the particular faith of the speaker, nor to disparage any faith or belief different than that of the speaker.

8. No speaker shall receive compensation for his or her service.
9. The Secretary shall make every reasonable effort to ensure that a variety of eligible speakers are scheduled for the Board meetings. In any event, no speaker shall be scheduled to offer a prayer at consecutive Board meetings, or at more than three (3) Board meetings in a calendar year.

MEMORANDUM

TO: Board of Directors

FROM: General Manager

RE: Agreement with SBVMWD and DWR to “Clean Up” Details of Deliveries to YVWD

DATE: January 3, 2017

Summary:

The purpose of this proposed Board action is to clarify how much of the water delivered to the Yucaipa Valley Water District is from the San Bernardino Valley Municipal Water District (SBVMWD or Valley District) and how much is from the Agency. While the District and the Agency keep track of this, the Department of Water Resources does not. In order to have the Department keep track of this, an agreement is required. The attached Contract Information Form is the basis of that agreement.

Background:

The Yucaipa Valley Water District serves water in two different counties, and receives water from two different State Water Contractors. SBVMWD serves the water delivered through YVWD’s filtration plant to Yucaipa, while the Agency serves the water in Calimesa. However, delivery of water to the filtration plant is metered through just one connection that belongs to SBVMWD. The Department of Water Resources assumes that all of this water should be charged to SBVMWD, while in fact some portion of it should be charged to the Agency.

Detailed Report:

This situation has been known for a number of years; however it has not been fixed. The net result of this is that the SBVMWD has been charged for water that should have been charged to the Agency, thus reducing the amount of Table A water that SBVMWD has to serve its other customers. While the Agency pays SBVMWD for the water, the Table A amount is charged against SBVMWD, not the Agency.

Financially, then, all parties are whole. However, volume wise, Valley District has had to use some of its water to serve the Agency's service area, which needs to be corrected.

Valley District has spoken to SWPAO, the organization within the Department that deals with State Water Project matters. They have requested submittal of the attached Contract Information Form, as well as evidence of CEQA compliance, so that an agreement may be completed. The Agency cannot comply with CEQA until after the Board has acted. Thus, the requested action is to direct staff to complete the necessary agreement with the Department and Valley District, and to file the applicable CEQA document (which is a Notice of Exemption).

Fiscal Impact:

There is no fiscal impact to this action. This is a "clean up" action that helps keep contractual amounts correct among two State Water Contractors.

Relationship to Strategic Plan:

There is no direct relationship to the strategic plan.

Recommendation:

Staff recommends that the Board authorize staff to complete the proposed agreement between the Agency, Valley District, and the Department; to authorize the General Manager to sign the agreement; and to comply with the California Environmental Quality Act.

CONTRACT INFORMATION FORM

FOR OFFICE USE ONLY

Tracking Number: _____

SWPAO Number: _____

Date: _____

1.0 Title: SGPWA Deliveries to YVWD

2.0 SWP Contractor or Lead Agency: Please list name, phone number, and email address for the following staff
 Engineering/Contract: Bob Tincher, 909-387-9215, bobt@sbvmwd.com
 Environmental: Heather Dyer, 909-387-9256, heatherd@sbvmwd.com
 Legal: Bob Tincher, same as above

3.0 Date of Request to DWR: 11-1-16

3.1 Initial Consultation w/ DWR: Date(s): 10-25-16

4.0 Project Description (Brief): Yucaipa Valley Water District is a retail water agency that has area in both the San Bernardino Valley Municipal Water District and the San Gorgonio Pass Water Agency. YVWD's connection to the SWP is within Valley District's service area and there is only one meter which is billed to Valley District. YVWD determines the amount of their delivery that goes to customers in SGPWA and SGPWA pays Valley District for those deliveries. However, those deliveries are never credited back to Valley District's Table A.

4.1 List Objectives: Properly account for these deliveries so that the deliveries by YVWD into the SGPWA are debited to SGPWA's Table A and credited to Valley District's Table A

4.2 Dates of action (duration or time frame (year(s))): ongoing

4.3 SWPAO Approval Action requested: Provide a procedure to debit SGPWA and credit Valley District for these deliveries

Name(s) of Local Public Agency(s) Approving Project (if any):

5.0 State Agency(s) Approvals Required: DWR

6.0 Federal Agency(s) Approvals Required: _____

7.0 Water Transfer/Exchange Amount:

7.1 Amount to Transfer/Exchange: varies

7.2 Is this a permanent transfer? Yes No

7.2.1 If answer to 7.2 is no, has this action or nearly identical action occurred in the last five years?

7.2.2 If answer to 7.2.1 is yes, list these agreements.

7.3 Is this a permanent exchange? Yes No

7.3.1 If answer to 7.3 is no, has this action or nearly identical action occurred in the last five years?

7.3.2 If answer to 7.3.1 is yes, list these agreements.

8.0 Describe type(s), amounts, and year that water will be used. Please check all that apply:

- Table A water (year)
- Article 21 water (year)
- Carryover water
- Flexible storage water
- Turnback pool water
- Other

Describe other water involved in this action (include federal, local and other non contract sources):

9.0 State Water Project Water

9.1 What other SWP contractors or entities, if any, are involved in this action? San Geronio Pass Water Agency

9.2 Please provide copies of all agreements for the transaction between entities or transferee and transferor.

10.0 Place of Use:

Will the water being transferred/exchanged/conveyed be used within:

SWP place of use? Yes

CVP place of use? _____

11.0 Purpose of water use. Please check all that apply:

- Specific development project
- Water supply reliability in the contractor's service area
- Consistent with Urban Water Management Plan
- Water banking
- Agricultural use
- Municipal purpose
- Environmental use

12.0 Points of Diversion/Delivery/Exchange

12.1 If possible please provide a schematic or diagram (map) depicting: source of water, area of use, points of delivery (include all parties and sources).

12.2 List Repayment Reaches of turnouts that will be used: EBX3A, T407

13.0 Relevant CEQA/NEPA Document(s) and Information

13.1 Is this action consistent with?

13.1.1 State Water Project authorization:
[water supply (type); flood protection, recreation, environmental]

13.1.2 Monterey Settlement Attachment C-1 see
<http://www.montereyamendments.water.ca.gov/docs/FinalSettleAgree.pdf>

13.2 Existing Environmental Documents (NEPA/CEQA or functionally equivalent):

(Title) _____

State Clearing House Number # _____

Federal # _____; Other control numbers: _____

Notice of Determination or Exemption date: _____

Provide hard copy to address below [or electronic]

Chief, Water Contracts Branch,
State Water Project Analysis Office,
Department of Water Resources,
1416 9th Street, Room 1620,
Sacramento, CA 95814 (916.653.6250)

