

**SAN GORGONIO PASS WATER AGENCY**  
**1210 Beaumont Avenue, Beaumont, CA**  
**Board of Directors Meeting**  
**Agenda**  
**August 21, 2017 at 6:00 p.m.**

**Teleconference Location: Conference Room - Baymont Inn & Suites**  
**2717 Dewar Dr., Rock Springs, Wyoming 82901**

- 1. Call to Order, Flag Salute, Invocation and Roll Call**
- 2. Statement Regarding Teleconferencing**  
-This meeting is also being held at a Teleconference Location which has been identified on the agenda.
- 3. Adoption and Adjustment of Agenda**
- 4. 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.
- 5. 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, August 7, 2017\* (p. 3)
  - B. Approval of the Minutes of the Engineering Workshop, August 14, 2017\* (p. 9)
- 6. Reports:**
  - A. General Manager's Report
    1. Operations Report
    2. General Agency Updates
  - B. General Counsel Report (p.11)
  - C. Directors' Reports
- 7. New Business:**
  - A. Consideration of and Possible Action to Make Appointments to ACWA Committees\* (p. 12)
  - B. Election of ACWA Region 9 Board of Directors\* (p. 18)
  - C. Consideration of and Possible Action on Support Letter for Brent Hastey for ACWA President\* (p. 26)
  - D. Consideration of and Possible Action on Ordinance 14, Changing the Time of Board Meetings\* (p. 29)
  - E. Consideration of and Possible Action to Authorize Purchase of New Agency Vehicle\* (p. 33)
- 8. Topics for Future Agendas**

**9. Announcements:**

- A. San Geronio Pass Regional Water Alliance, August 23, 2017
  - 1. Regular Meeting at 5:30 p.m. – Banning City Hall
- B. Finance and Budget Workshop, August 28, 2017 at 4:00 p.m.
- C. Office closed in observance of Labor Day, September 4, 2017
- D. Regular Board Meeting, **Tuesday**, September 5, 2017 at 6:00 p.m.

**10. Closed Session (2 Items)**

- A. CONFERENCE WITH REAL PROPERTY NEGOTIATORS  
Pursuant to Government Code section 54956.8  
Property: Potential water rights/supplies offers from the South Mesa Water Company  
Agency negotiator: Jeff Davis, General Manager  
Negotiating parties: David Armstrong, General Manager, South Mesa Water Company  
Under negotiation: price and terms of payment
  
- B. CONFERENCE WITH REAL PROPERTY NEGOTIATORS  
Pursuant to Government Code section 54956.8  
Property: Potential water rights acquisition regarding Westlake Farms, Kings County APN's 036-070-007-000, 036-070-014-000, 036-070-004-000, 036-070-013-000  
Agency negotiator: Jeff Davis, General Manager  
Negotiating parties: Ceil Howe  
Under negotiation: Price and terms of payment

**11. 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](http://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**  
**August 7, 2017**

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

**Directors Absent:** Steve Lehtonen

**Staff Present:** Jeff Davis, General Manager  
Thomas Todd, Finance Manager  
Jeff Ferre, General Counsel

1. **Call to Order, Flag Salute, Invocation, and Roll Call:** The meeting of the San Gorgonio Pass Water Agency Board of Directors was called to order by Board President Fenn at 7:00 p.m., August 7, 2017 in the Agency Boardroom at 1210 Beaumont Avenue, Beaumont, California. Director Duncan led the Pledge of Allegiance to the flag. Director Castaldo gave the invocation. President Fenn requested a roll call.

<b><u>Roll Call:</u></b>	<b><i>Present</i></b>	<b><i>Absent</i></b>
Director Stephenson	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Director Ball	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Director Lehtonen	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Director Castaldo	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Director Duncan	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Director Thompson	<input checked="" type="checkbox"/>	<input type="checkbox"/>
President Fenn	<input checked="" type="checkbox"/>	<input type="checkbox"/>

A quorum was present.

2. **Adoption and Adjustment of Agenda:** *President Fenn asked if there were any adjustments to the agenda.* General Manager Davis requested that Item 6C be discussed prior to item 6A in order to accommodate the presenter, Mandy Parks. President Fenn approved the request; there were no objections from the Board. The Agenda was adopted with the requested adjustment.
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.* There were no members of the public that wished to comment at this time.
4. **Consent Calendar:**
- A. Approval of the Minutes of the Special Board Meeting and Engineering Workshop, July 10, 2017
  - B. Approval of the Minutes of the Regular Board Meeting, July 17, 2017

- C. Approval of the Minutes of the Finance and Budget Workshop July 24, 2017
- D. Approval of the Finance and Budget Workshop Report, July 24, 2017

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

## 5. Reports:

### A. General Manager's Report:

**(1) Operations Report: (a) SWP Water Deliveries:** The Agency delivered a total of 1464 acre-feet to the Noble Creek Connection, for the month of July. Fiscal year delivery total – 8365 acre-feet.

**(2) General Agency Updates: (a) Cal Water Fix NOD:** The State of California issued its Notice of Determination (NOD) on the Environmental Impact Report (EIR) for the Cal Water Fix; two law suits have been filed. **(b) Riverside County Speakers Series:** General Manager Davis attended the Speaker Series on July 21<sup>st</sup>. Roger Patterson, Assistant General Manager overseeing strategic water initiatives for Metropolitan Water District of Southern California provided an update on where the California WaterFix is in the permitting cycle and what recent state and federal decisions mean for the project. Fiona Hutton, Communications strategist for Southern California Water Committee spoke on the organization's education and outreach campaign and recent polling on the Cal WaterFix. **(c) Department of Water Resources Announcement:** Grant Davis of Sonoma County Water Agency and Bay Institute was named the new DWR Director. **(d) ACWA:** ACWA's Executive Director Tim Quinn is taking a two month medical leave. Former ACWA President Paul Kelly will be the interim Executive Director while Mr. Quinn is on leave.

**B. General Counsel Report: Chromium IV:** On May 31, 2017, the Superior Court of Sacramento County issued a judgment invalidating the hexavalent chromium maximum contaminant level (MCL) for drinking water. The court ordered the State Water Resources Control Board (State Board) to take the necessary actions to delete the hexavalent chromium MCL from the California Code of Regulations and to file with the court by August 15 proof that it has done so. The court's primary reason for finding the MCL invalid is that the California Department of Public Health (which was responsible for the drinking water program before it was transferred to the State Board) failed to comply with one of the requirements in the Safe Drinking Water Act for adopting an MCL. In particular, the department "failed to properly consider the economic feasibility of complying with the MCL." The court did "not decide whether the MCL is economically feasible." The court did not make any finding about whether the MCL adequately protected public health, nor did it reach a conclusion about whether the MCL was too low or too high. The court merely found that the department did not adequately document why the MCL was economically feasible. The court also ordered the State Board to adopt a new MCL for hexavalent chromium. In accordance with the court ruling, the State Water Resources Control Board adopted a resolution to remove the current maximum contaminant level (MCL) for the pollutant hexavalent chromium

found in drinking water. The State Water Board will now begin work on establishing a new MCL for the contaminant.

**C. Directors Reports:** (1) **Director Duncan** reported on the Beaumont Basin Watermaster meeting that he attended on August 2<sup>nd</sup>. He also reported on the August 3<sup>rd</sup> BCVWD Engineering workshop meeting. (2) **Director Thompson** reported on the BCVWD Engineering workshop on August 3<sup>rd</sup>. (3) **Director Castaldo** reported that he had a meeting with President Slawson of BCVWD. President Slawson informed him that BCVWD's General Manager Eric Fraser was terminated. Director Castaldo informed the Board that due to a potential conflict of interest he is removing himself from the San Geronio Pass Water Alliance. President Fenn named Director Thompson as the Agency's representative, with Director Duncan being the alternate. (4) President Fenn reported on the Beaumont Basin Watermaster meeting. He also reported on the City of Beaumont Council meeting that he attended on August 1<sup>st</sup>.

**D. Committee Report – Water Conservation and Education Committee:** Director Thompson reported that committee met on July 21<sup>st</sup>. Discussion took place on the current programs and reviewed last year's accomplishments of the IERCD. The committee also reviewed IERCD's proposal for this upcoming year. The committee is proposing that the IERCD reports back to the Agency on the amount of classrooms that are benefiting from the program; how many teachers were involved, etc. Discussion also included possible future conservation and education programs. The Committee discussed a number of possible programs, including targeting high water users and incentivizing individuals or water retailers to use less Table A water in order to provide more water for projected development. The Committee recognized that the Agency would likely need to partner with retail water agencies in order to implement any useful and meaningful programs.

## 6. **New Business:**

### **C. Consideration and Possible Action of Contract with Inland Empire Resource Conservation District for Water Education Programs for 2017-2018:**

A staff report and a copy of the IERCD contract were included in the agenda packet. General Manager Davis explained that the Agency has had a partnership with IERCD for a number of years. He provided background on how the program has evolved. He stated that this year IERCD is proposing to restructure the program by targeting fourth through sixth grade teachers. The teachers would be recruited to do afterschool workshops. Staff and the IERCD feel that the workshops will add a new dimension to the overall program. President Fenn called upon Ms. Parks for her input on the program. She provided insight on how the programs have educated the children on water conservation. Also, how the next school year program will benefit both teachers and children. After discussion, Director Duncan made a motion, seconded by Director Thompson, to approve the proposal from IERCD and to authorize the General Manager to sign the contract for water conservation outreach programs for the 2017-2018 school year. Motion passed, 6-0 with Director Lehtonen absent.

**A. Consideration of Adoption of Resolution No. 2017-13, Setting Tax Rate for FY 2017-2018:** A staff report and a copy of Resolution No. 2017-13 were included in the agenda packet. President Fenn commented on how this item is one of the three biggest decisions that this Board makes during the course of the year. He referred to General Manager Davis for input on this item. General Manager Davis stated that the staff report summarizes the discussion that the Board had at the Finance and Budget workshop. Staff presented a large amount of information to the Board, which resulted in thoughtful discussion from the Board. He stated that Staff could make a strong case to either leave the tax rate as is, or to lower it by a quarter of a cent this year. President Fenn was in favor of lowering the tax rate due to the surplus in revenue. He referenced a memorandum that Finance Manager Thomas Todd had sent him' pertaining to bond payments and refinancing. The memorandum was provided to each of the Bard members, and was also made available to the attending public. Each of the Board members voiced their opinion on whether the tax rate should be increased, decreased, or to remain the same. After discussion, Director Thompson made a motion to lower the tax rate to \$0.17. The motion failed due to a lack of a second. After further discussion, President Fenn made a motion, seconded by Director Ball, to lower the tax rate to \$0.1825. President Fenn requested a roll call.

<b><u>Roll Call:</u></b>	<b>Aye</b>	<b>Noes</b>	<b>Absent</b>	<b>Abstain</b>
Director Stephenson	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Director Ball	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Director Lehtonen	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Director Castaldo	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Director Duncan	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Director Thompson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
President Fenn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Motion passed 4-2, with Director Lehtonen absent.

**B. Consideration of Adoption of Debt Service Budget for 2017-2018:** A staff report and related material were included in the agenda packet. General Manager Davis stated that there are two scenarios that are included in the agenda packet to choose from. Due to discussion that took place on Agenda item 6A the one to consider is the one that relates to the \$0.1825 tax rate on page 40 of the Agenda packet. The Board would be voting on a Debt Service Budget that reflects about \$6.1 million in additional reserves for fiscal year 2017-2018. A motion was made by Director Ball, seconded by Director Thompson, to adopt the Debt Service Budget reflecting the estimated revenue at \$0.1825. Motion passed 6-0, with Director Lehtonen absent.

**D. Discussion of Establishing the Time of Board Meetings Ordinance 12:** A staff report and a copy of Ordinance 12 were included in the Agenda packet. President Fenn stated that the Board had changed the meeting times back in November 2015. Ordinance 12 states that it is the intent of the Board to revisit the designation of evening Board meeting times in the future, perhaps every three (3)

and/or six (6) months, to review whether this decision has resulted in increased public attendance at Board meetings; this is the purpose for bringing this item to the Board for discussion. The Board discussed how to make the Agency's Board meetings and workshops more efficient, as well as designating a meeting time that would allow the Agency's retail customers and members of the public to attend; as attendance had dropped from the 1:30 pm Board meeting times to the 7:00 Board meeting times. President Fenn stated that this item is for discussion only. Should the Board desire a change to the meeting times a new Ordinance would be drafted and presented to the Board at a future Board meeting for consideration. President Fenn stated that he is looking to each Board member for their opinion as to what time of day the meetings should be held. He suggested that going forward closed sessions should begin at 5:00 pm, and to begin Board meetings at 6:00 pm, keeping the 4:00 pm workshops. After discussion, General Counsel Ferre stated that a motion is needed as to what changes the Board desires and when to formalize the new Ordinance. Director Duncan made a motion, seconded by Director Stephenson, to change all meetings times to 5:00 p.m., bring back the appropriate Ordinance to make the change, and to have the next meeting at 5:00 p.m.

<b><u>Roll Call:</u></b>	<b><i>Aye</i></b>	<b><i>Noes</i></b>	<b><i>Absent</i></b>	<b><i>Abstain</i></b>
Director Stephenson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Director Ball	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Director Lehtonen	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Director Castaldo	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Director Duncan	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Director Thompson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
President Fenn	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Motion failed 3-3, with Director Lehtonen absent.

President Fenn made a motion, seconded by Director Castaldo, to change all meeting times to 6:00 p.m., to bring back the appropriate Ordinance to make the change at the next Board meeting, and to have the next meeting at 6:00 p.m.

<b><u>Roll Call:</u></b>	<b><i>Aye</i></b>	<b><i>Noes</i></b>	<b><i>Absent</i></b>	<b><i>Abstain</i></b>
Director Stephenson	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Director Ball	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Director Lehtonen	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Director Castaldo	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Director Duncan	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Director Thompson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
President Fenn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Motion passed 4-2, with Director Lehtonen absent.

**7. Topics for Future Agendas:** **1.** Director Thompson requested discussion on an Emergency Plan. To invite Dan Jagggers to speak on issues that BCVWD Recharge Facility has encountered. He also requested discussion on the Beaumont Basin Storage losses. **2.** Director Ball requested that the General Manager report on how efficiently staff is using their time due to the newly requested meeting times.

**8. Announcements:**

- A. Engineering Workshop June 12, 2017 at 6:00 p.m.
- B. Regular Board Meeting, June 19, 2017 at 6:00 p.m.
- C. Finance and Budget Workshop June 26, 2017 at 6:00 p.m.

**9. Closed Session (Three Items)**

**Time: 8:37 p.m.**

- A. PUBLIC EMPLOYEE PERFORMANCE EVALUATION  
Pursuant to Government Code Section 54957  
Title: General Counsel
- B. CONFERENCE WITH REAL PROPERTY NEGOTIATORS  
Pursuant to Government Code section 54956.8  
Property: Potential water rights/supplies offers from the South Mesa Water Company  
Agency negotiator: Jeff Davis, General Manager  
Negotiating parties: David Armstrong, General Manager, South Mesa Water Company  
Under negotiation: price and terms of payment
- C. CONFERENCE WITH REAL PROPERTY NEGOTIATORS  
Pursuant to Government Code section 54956.8  
Property: Potential water rights acquisition regarding Westlake Farms, Kings County APN's 036-070-007-000, 036-070-014-000, 036-070-004-000, 036-070-013-000  
Agency negotiator: Jeff Davis, General Manager  
Negotiating parties: Ceil Howe  
Under negotiation: Price and terms of payment

**The meeting reconvened to open session at: Time: 10:22 pm**

*General Counsel Ferre stated that there was no action taken during closed session that is reportable under the Brown Act.*

**10. Adjournment**

**Time: 10:23 pm**

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Jeffrey W. Davis, Secretary of the Board



**SAN GORGONIO PASS WATER AGENCY**  
**1210 Beaumont Avenue, Beaumont, CA 92223**  
**Minutes of the**  
**Board of Directors Engineering Workshop**  
**August 14, 2017**

**Directors Present:** David Fenn, President  
Blair Ball, Director (arrived at 6:04 pm)  
David Castaldo, Director  
Ron Duncan, Director  
Steve Lehtonen, Director  
Leonard Stephenson, Director  
Michael Thompson, Director

**Staff Present:** Jeff Davis, General Manager  
Jeff Ferre, General Counsel

**1. Call to Order, Flag Salute and Roll Call.** The Engineering workshop of the San Gorgonio Pass Water Agency Board of Directors was called to order by Director Duncan at 6:00 p.m., August 14, 2017 in the Agency Board room at 1210 Beaumont Avenue, Beaumont, California. Director Thompson led the Pledge of Allegiance to the flag. A quorum was present.

**2. Public Comment.** Fran Flanders suggested that the Agency start participating in PassCom meetings on the second Tuesday of each month. Representatives from local public agencies meet at that time to discuss emergency preparedness. No other members of the public wished to speak at this time.

**3. Discussion Regarding Beaumont Basin Storage Losses.** Director Thompson informed the Board that this issue had been discussed at a recent Beaumont Basin Watermaster meeting, and that he had asked for a discussion at this workshop. At the Watermaster meeting, a consultant indicated that the basin was likely leaking, but it was unclear how much, and a study should be done to determine this. General Manager Davis told the Board that leakage has not been an issue in the past for several reasons, including the drawdown of the Beaumont Basin related to the judgment, the five year drought, and the fact that BCVWD's recharge facility, as well as the Agency's planned facility, are in the middle of the basin, far from the boundaries. He told the Board that leakage was not an issue when the Agency purchased the property and designed the proposed recharge facility, and that in all the Watermaster meetings when the Agency's storage account was discussed, leakage was never mentioned. He indicated that he is pleased that the Watermaster is finally addressing this issue after 13 years, and noted that he suspects that the study to be performed by the Watermaster will likely show that leakage is not a big problem. If it is, he related that the Watermaster has a number of options for how to manage the leakage, and that is the Watermaster's responsibility.

**4. Discussion of Earthquake Preparedness.** Director Thompson told the Board that after a recent Beaumont Chamber of Commerce event in which the speaker was from the California Earthquake Authority, he asked for this item to be placed on the agenda. He was curious as to what plans the Agency has in the event of an earthquake. General Manager Davis related that the Agency does not really own a distribution system, so that is not a big issue for the Agency. The Department of Water Resources, which operates the California Aqueduct, and the San Bernardino Valley Municipal Water District, who largely operates and maintains the East Branch

Extension (along with the Agency) do have plans to deal with earthquakes. The Agency also has no specific plan for where it would hold Board meetings in the event that the Administration Building is damaged. General Counsel Ferre informed the Board that, in the event of an emergency, the Brown Act provides a lot of flexibility to public agencies as to where to hold meetings and how much notice needs to be given.

**5. Further Discussion of Board Meeting Times.** President Fenn began the discussion by relating to the Board a conversation with General Manager Davis after last week's Board meeting in which the Board voted to move all Board meetings and workshops to 6:00 pm on Mondays. He indicated that General Manager Davis had told him that two staff members had conflicts on Monday nights and asked if the Board could revisit this issue, especially for the two workshops. The Board discussed this issue at length. Director Stephenson moved, seconded by President Fenn, to recommend a new ordinance that would keep Board meetings at 6:00 pm, as decided last week, but to keep Board workshops at 4:00 pm, as they are now. The motion passed 6-1, with Director Ball voting no. General Counsel Ferre said that he would prepare the ordinance for consideration at the August 21 Board meeting.

## **6. Announcements**

- A. Regular Board Meeting, August 21, 2017 at 6:00 pm.
- B. San Geronio Pass Regional Water Alliance Meeting, August 23, 2017, 5:30 pm—Banning City Hall.
- C. Finance and Budget Workshop, August 28, 2017 at 6:00 pm (this was changed by the Board to 4:00 pm in Item 5 above).
- D. Office closed in observance of Labor Day, September 4, 2017.

## **7. Adjournment**

Director Duncan adjourned the meeting at 7:01 pm.

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Jeff Davis, Secretary to the Board



**BEST BEST & KRIEGER LLP**  
ATTORNEYS AT LAW

**Memorandum**

**To:** President and Members of the Board  
San Gorgonio Pass Water Agency

**From:** Jeffry F. Ferre, General Counsel  
Best Best & Krieger LLP

**Date:** August 16, 2017

**Re:** General Counsel Report - Board of Directors Meeting - August 21, 2017

1. Waters Of The United States (“WOTUS”)

In 2015, during the Obama Administration, these agencies adopted a regulation known as the Clean Water Rule which expanded the definition of WOTUS. The 2015 Rule would have expanded the definition of "navigable waters" to include "intermittent streams." That is, streams that sometimes have no water in them at all. In addition, the 2015 Rule would have authorized the regulation of small bodies of water on private land. A number of lawsuits were filed to challenge the 2015 Rule.

However, due to the recent Executive Order signed by President Trump on February 28, 2017, the EPA was directed to rescind the 2015 Rule and issue a new definition. These federal agencies are taking a two-step process to rescind and revise the WOTUS definition pursuant to the Executive Order. By rescinding the definition of WOTUS under the Clean Water Rule, the agencies are in the process of completing the first step. In step two, the agencies will engage in a notice-and-comment rulemaking to perform a substantive reevaluation and then come up with a WOTUS definition that is more in line with the definition that was in place prior to 2015.

2. SB 623 And The Potential For A “Public Goods Charge.”

Legislation that would establish a special fund for disadvantaged communities (“DACs”) is expected to be amended to include a tax on residential water bills. The projects to be funded would include testing and cleanup of small water systems and domestic wells in DACs. The bill is currently in the Senate Appropriations Committee. The bill’s author, Sen. Bill Monning (D-Carmel), has indicated that he plans to insert language into the bill that would establish a “ratepayer assessment” (i.e. a tax or fee) on water. ACWA, and other organizations, oppose this bill due to the anticipated language which would establish a tax on water. Such a charge is commonly considered to be a “public goods charge” on water.

**Jeff Davis**

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**From:** Kathleen Tiegs <acwabox@acwa.com>  
**Sent:** Tuesday, July 18, 2017 3:31 PM  
**To:** Jeff Davis  
**Subject:** ACWA Committee Appointment Considerations for the 2018-2019 Term

Click [here](#) if you are having trouble viewing this message.



## MEMORANDUM

July 18, 2017

TO: ACWA MEMBER AGENCY BOARD PRESIDENTS  
ACWA MEMBER AGENCY GENERAL MANAGERS

FROM: Kathy Tiegs, ACWA PRESIDENT

SUBJECT: ACWA COMMITTEE APPOINTMENT CONSIDERATIONS FOR THE 2018-2019 TERM

### **PLEASE RESPOND BY SEPTEMBER 29, 2017**

Thank you for your involvement with ACWA. As you know, Committees are an integral part of ACWA's activities and policy development. With the end of the current Committee term fast approaching, it is time again to request 2018-2019 Committee nominations from ACWA members. All Committees will be reconstituted following the election of new officers (ACWA's President / Vice-President) at the 2017 ACWA Fall Conference.

In submitting names for consideration, please do so with the understanding that Committees need active, involved individuals able to expend the time and provide their expertise, if appointed. Please keep in mind that the district is responsible for all costs associated with the participation of its representatives on

Committees.

The following information is available at [ACWA's website](#) or by clicking on each link.

- [ACWA Policy Committee Composition](#)
- [ACWA Committee Consideration Form](#)
- [ACWA Committee Consideration Process Timeline](#)

If you would like to reference current Committee members serving on a ACWA Committee please click [here](#).

All correspondence and forms regarding Committee appointments must be submitted to the ACWA office no later than September 29, 2017 to be eligible for consideration. Committee appointments will be made by the incoming ACWA President in December. Please contact Region and Member Services Specialist II, Ana Javaid, at [anai@acwa.com](mailto:anai@acwa.com) or (916) 441-4545, if you have any questions concerning the Committee appointment process.

We appreciate your timely attention to this matter.

Thank you,



Kathleen J. Tiegs  
ACWA President

[ACWA Committees](#) | [ACWA Events](#) | [ACWA](#)



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Association of California Water Agencies.

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phone: 916.441.4545 | email: [events@acwa.com](mailto:events@acwa.com)



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We hope you enjoy receiving email notices and updates from ACWA. At any time you can click [here](#) to unsubscribe or update your email preferences.

## 2017 ACWA Committee Appointment Process Timeline 2018-2019 Term

- July 17: COMMITTEE CONSIDERATION FORMS EMAILED**
- Email packets sent to Agency General Managers and Board Presidents packets include:
    - List of agency staff and directors who currently serve on an ACWA Committee
    - Committee Composition
    - Committee Consideration Form
    - 2018-2019 Committee Timeline
- July 24: EMAIL NOTIFICATION TO CURRENT COMMITTEE MEMBERS**
- Current committee members notified that committee process has began
  - All current committee members **MUST** submit a Committee Consideration Form to be considered for reappointment
- September 29: COMPLETED CONSIDERATION FORM DEADLINE**
- All committee consideration forms **due by September 29**
  - Any consideration forms submitted after September 29 will be added to the waiting list and considered after ACWA President makes the initial committee appointments for the term
- October 27: ACWA REGION CHAIR AND VICE CHAIR CONFERENCE CALL**
- ACWA staff will hold a conference call with newly elected Region Chair and Vice Chairs to review 2018-2019 Committee recommendation process
  - Consideration forms compiled and submitted to incoming Region Chair and Vice Chair
- November 16: CHAIR AND VICE CHAIRS RECOMMENDATION DEADLINE**
- No Region recommendations will be accepted after November 16
- November 30: RECOMMENDATIONS GIVEN TO ACWA PRESIDENT**
- Incoming ACWA President will receive Region Chair and Vice Chairs recommendations along with all consideration forms at ACWA Fall Conference
- December 11: ACWA PRESIDENT APPOINTS MEMBERS OF COMMITTEES**
- Incoming ACWA President submits all appointments to ACWA Staff
- December 31: ACWA WILL NOTIFY COMMITTEE MEMBERS OF APPOINTMENTS**
- Letters emailed to members who have been appointed to serve on a committee for the 2018-2019 term
  - Letters emailed notifying those who were not appointed to a committee

## ACWA COMMITTEE COMPOSITION

### COMMITTEE

### STAFF LIAISONS

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#### **Business Development Committee – Standing/Unlimited**

Meetings: 2 times a year

The Business Development Committee develops and recommends to the Board of Directors programs and activities to be provided or administered by the association that generate non-dues revenue and provide a service or benefit to association members.

**Paula Currie**

*Director of Member Services and Events*  
[paulac@acwa.com](mailto:paulac@acwa.com)

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#### **Communications Committee – Standing/Limited (40 maximum)**

Meetings: 4 times a year

The Communications Committee develops and recommends to the Board of Directors and staff best practices regarding communications and public affairs programs. The committee promotes sound public information and education programs and practices among member agencies. It also prepares and distributes materials for use by member agencies in their local outreach efforts and provides guidance to ACWA's Communications Department.

**Lisa Lien-Mager**

*Director of Communications*  
[lialm@acwa.com](mailto:lialm@acwa.com)

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#### **Energy Committee – Standing/Unlimited**

Meetings: 2 times a year

The Energy Committee develops and recommends to the Board of Directors, the State Legislative Committee and the Federal Affairs Committee policies and programs regarding the water-energy nexus.

**Rebecca Franklin**

*Senior Regulatory Advocate*  
[Rebeccaf@acwa.com](mailto:Rebeccaf@acwa.com)

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#### **Federal Affairs Committee – Standing/Limited (5 Per Region)**

Meetings: 2 times a year

The Federal Affairs Committee coordinates with other ACWA committees regarding input and recommendations on federal legislation and other issues before both Congress and the federal administrative branches.

**David Reynolds**

*Director of Federal Affairs*  
[dreyns@ssso.org](mailto:dreyns@ssso.org)

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#### **Finance Committee – Standing/Limited (2 Per Region – 1 Region Chair or Vice Chair; 1 with financial experience)**

Meetings: 4-5 times a year

The Finance Committee develops and recommends to the Board of Directors policies and procedures related to annual budgets, investment strategies, annual audits and auditor selection, dues formula and schedule, and other financial matters.

**Fili Gonzales**

*Director of Finance & Business Services*  
[filig@acwa.com](mailto:filig@acwa.com)

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#### **Groundwater Committee – Standing/Unlimited**

Meetings: 4 times a year

The Groundwater Committee develops and recommends to the Board of Directors policies and programs regarding groundwater issues. The committee monitors state and federal regulations and legislation affecting the quality and management of groundwater, conducts studies and gathers data on groundwater issues, develops policies regarding groundwater management and coordinates with other committees on groundwater issues.

**Dave Bolland**

*Director of State Regulatory Relations*  
[daveb@acwa.com](mailto:daveb@acwa.com)

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**Legal Affairs Committee – Standing/Limited (45 Maximum)**

Meetings: 2-3 times a year

The Legal Affairs Committee acts on requests for assistance on legal matters of significance to ACWA member agencies. The committee reviews proposed ACWA bylaw revisions and works with staff to produce publications to assist member agencies in complying with state and federal laws. The committee also files amicus curiae filings on important cases, comments on proposed regulations and guidelines of state agencies such as the Fair Political Practices Commission and monitors and engages in water rights waters of interest to member agencies.

*\*The committee shall be composed of attorneys, each of whom shall be, or act as, counsel for a member of the Association.*

**Whitnie Wiley**

*Senior Legislative*

*Advocate*

[whitniew@acwa.com](mailto:whitniew@acwa.com)

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**Local Government Committee – Standing/Limited (3 Per Region)**

Meetings: 4 times a year

The Local Government Committee develops and recommends to the Board of Directors and the State Legislative Committee policies regarding local government matters affecting water agencies, including planning issues, local government organization, and finance. The committee also gathers and disseminates information on the value of special districts, and shares information promoting excellence in local government service delivery.

**Wendy Ridderbusch**

*Director of State*

*Legislative Relations*

[wendyr@acwa.com](mailto:wendyr@acwa.com)

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**Membership Committee – Standing/unlimited**

Meetings: 2 times a year

The Membership Committee develops and recommends to the Board of Directors policies regarding membership, eligibility and applications for membership. The committee also assists staff in developing membership recruitment and retention programs and reviews and makes recommendations to the Finance Committee regarding an equitable dues structure.

**Tiffany Giammona**

*Member Services*

*Group Manager*

[tiffanyg@acwa.com](mailto:tiffanyg@acwa.com)

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**State Legislative Committee – Standing/Limited (4 Per Region)**

Meetings: 10-12 times a year

The State Legislative Committee sets official state legislative policy positions on behalf of the association. The committee reviews relevant legislation, develops advocacy strategies and makes recommendations to the Board of Directors on ballot measures and other major statewide policy issues. The committee also works with staff on legislative amendments and provides direction on legislative matters.

**Wendy Ridderbusch**

*Director of State*

*Legislative Relations*

[wendyr@acwa.com](mailto:wendyr@acwa.com)

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**Water Management Committee – Standing/Limited (4 Per Region)**

Meetings: 4 times a year

The Water Management Committee develops and recommends to the Board of Directors policies and programs regarding water management. The committee reviews and recommends positions on legislation and regulations as requested by other committees. The committee also assists in gathering and disseminating information regarding agricultural and urban water management, water conservation and water use efficiency, development and use of water resources, wastewater treatment and water recycling and reuse.

**Dave Bolland**

*Director of State*

*Regulatory Relations*

[daveb@acwa.com](mailto:daveb@acwa.com)

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**Water Quality Committee – Standing/Unlimited**

Meetings: 4 times a year

The Water Quality Committee develops and recommends to the Board of Directors, the State Legislative Committee and the Federal Affairs Committee policies and programs regarding water quality issues. The committee promotes cost-effective state and federal water quality regulations and provides a forum for members to work together to develop and present unified comments on water quality regulations. The committee also develops and recommends positions and testimony on water quality regulatory issues.

**Rebecca Franklin**

*Senior Regulatory*

*Advocate*

[Rebeccaf@acwa.com](mailto:Rebeccaf@acwa.com)





# COMMITTEE CONSIDERATION FORM

PLEASE PRINT LEGIBLY

Agency Name (DO NOT use acronyms or abbreviations)	Phone
Agency Address	City, State & Zip

**BELOW PLEASE LIST ALL THOSE INTERESTED IN BEING ON ACWA COMMITTEES FOR YOUR AGENCY. FOR ADDITIONAL RECOMMENDATIONS PLEASE FILL OUT ANOTHER FORM.**

*\*If an individual is not an agency employee or director, please indicate company affiliation.*

Name	Title/Company*	Email Address
Committee 1st Choice	Committee 2nd Choice	Committee 3rd Choice
Name	Title/Company*	Email Address
Committee 1st Choice	Committee 2nd Choice	Committee 3rd Choice
Name	Title/Company*	Email Address
Committee 1st Choice	Committee 2nd Choice	Committee 3rd Choice
Name	Title/Company*	Email Address
Committee 1st Choice	Committee 2nd Choice	Committee 3rd Choice
Name	Title/Company*	Email Address
Committee 1st Choice	Committee 2nd Choice	Committee 3rd Choice
Name	Title/Company*	Email Address
Committee 1st Choice	Committee 2nd Choice	Committee 3rd Choice

Signature (Agency/District General Manager or Board President signature required)	Title	Date
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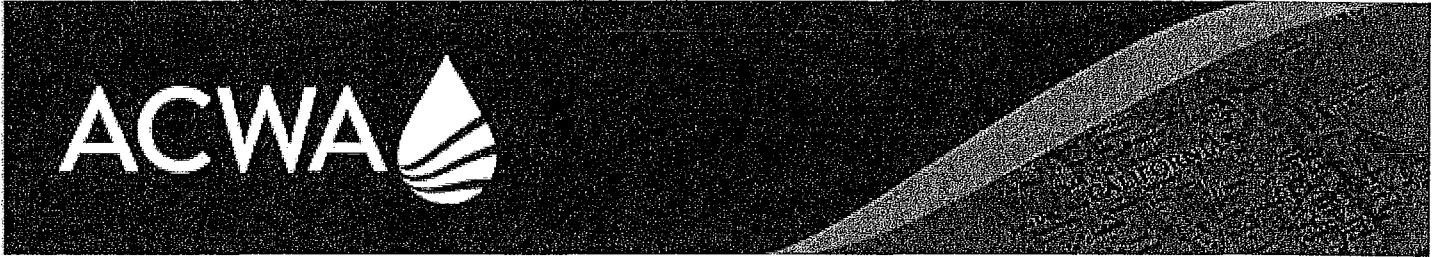
**QUESTIONS?**  
 Contact Region and Member Services Specialist II  
 Ana Javaid at [anaj@acwa.com](mailto:anaj@acwa.com) or (916) 441-4545

910 K Street, Suite 100  
 Sacramento, CA 95814  
[www.acwa.com](http://www.acwa.com)

**Cheryle Rasmussen**

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**From:** ACWA Region Elections <regionelections@acwa.com>  
**Sent:** Tuesday, August 1, 2017 4:33 PM  
**Subject:** Polls Open! ACWA Region 9 Election Ballot



TO: ACWA REGION 9 MEMBER AGENCY BOARD PRESIDENT  
AND GENERAL MANAGER

***Ballot for Region 9 Board Election for the 2018-2019 Term***

It is time to elect the 2018-2019 ACWA Region 9 Chair, Vice Chair, and board members who will represent and serve the members of Region 9. Attached, you will find the official ballot which includes the Region 9 Nominating Committee's recommended slate as well as individual candidates running for the Region 9 Board.

**Your agency is entitled to cast only one vote.** Please review the attached ballot and have your agency's authorized representative cast its vote for the slate as recommended by the Region 9 Nominating Committee or cast its vote for an individual Region 9 chair, vice chair and three to five board members.

**2018-2019 ACWA Region 9 Ballot is located HERE.**  
**Region 9 Rules and Regulations are located HERE.**

**Submit the electronic ballot to ACWA by September 29, 2017.**  
(Ballots received after September 29 will **not** be accepted.)

**REMEMBER, YOUR VOTE IS IMPORTANT.** Region 9 Board members are elected to represent the issues, concerns and needs of your region. The Region 9 chair and vice chair will serve on ACWA's board of directors for the next two-year term beginning January 1, 2018. Additionally, the newly elected chair and vice chair will make the Region 9 committee appointment recommendations to the ACWA president for the 2018-2019 term. Also, either the chair or vice chair will hold a seat on the ACWA Finance Committee.

If you have questions, please contact your Regional Affairs Representative, Brandon Ida, at [brandoni@acwa.com](mailto:brandoni@acwa.com) or call 916-441-4545.

Thank you for your careful consideration and participation in the Region 9 election process.

# OFFICIAL REGION 9 Board Ballot

2018-2019  
TERM

CLERK FORM



**Please return completed ballot  
by September 29, 2017**

E-mail: [anaj@acwa.com](mailto:anaj@acwa.com)  
Mail: ACWA  
910 K Street, Suite 100  
Sacramento, CA 95814

### General Voting Instructions:

1 You may either vote for the slate recommended by the Region 9 Nominating Committee or vote for individual region board members (please note rules & regulations for specific qualifications). Mark the appropriate box to indicate your decision.

2 Complete your agency information. The authorized representative is determined by your agency in accordance with your agency's policies and procedures.

### Region 9 Rules & Regulations:

The chair and vice chair shall be elected, one from each area, and the positions shall be rotated between the Western and Arid areas of Region 9. For the 2018-2019 term the chair shall be from the Western area.

### 1 Nominating Committee's Recommended Slate

I concur with the Region 9 Nominating Committee's recommended slate below.

#### CHAIR:

- **Joseph J. Kuebler**, Director, Eastern Municipal Water District (Western)

#### VICE CHAIR:

- **G. Patrick O'Dowd**, Board Member, Coachella Valley Water District (Arid)

#### BOARD MEMBERS:

- **Luis Cetina**, Vice President, Cucamonga Valley Water District
- **Carl P. Coleman**, Board Secretary, Mojave Water Agency
- **James Morales Jr.**, Governing Board Member, East Valley Water District
- **Phil Rosentrater**, General Manager, Salton Sea Authority
- **Harvey R. Ryan**, Board Member, Elsinore Valley Municipal Water District

### Individual Board Candidate Nominations

(See Rules & Regulations before selecting)

I do not concur with the Region 9 Nominating Committee's recommended slate. I will vote for individual candidates below as indicated.

#### CANDIDATES FOR CHAIR: (CHOOSE ONE)

**Joseph J. Kuebler**, Board Member, Eastern Municipal Water District (Western)

**Harvey R. Ryan**, Board Member, Elsinore Valley Municipal Water District (Western)

#### CANDIDATES FOR VICE CHAIR: (CHOOSE ONE)

**G. Patrick O'Dowd**, Board Member, Coachella Valley Water District (Arid)

**Michael Wilson**, Board Vice President, Indio Water Authority (Arid)

#### CANDIDATES FOR BOARD MEMBERS: (MAX OF 5 CHOICES)

**David Castaldo**, Director, San Geronio Pass Water Agency

**Luis Cetina**, Vice President, Cucamonga Valley Water District

**Carl P. Coleman**, Board Secretary, Mojave Water Agency

**Steven Farrell**, Director, Crestline Village Water District

**Joseph J. Kuebler**, Board Member, Eastern Municipal Water District

**James Morales Jr.**, Chairman of the Board, East Valley Water District

**G. Patrick O'Dowd**, Board Member, Coachella Valley Water District

**Phil Rosentrater**, General Manager, Salton Sea Authority

**Harvey R. Ryan**, Board Member, Elsinore Valley Municipal Water District

**Michael Wilson**, Board Vice President, Indio Water Authority

2

AGENCY NAME

AUTHORIZED REPRESENTATIVE

DATE



83-101 AVENUE 45, INDIO, CA 92201  
WWW.INDIOWATER.ORG

**Board of Directors**

Elaine Holmes, President  
Michael Wilson, Vice President  
Glenn Miller, Commissioner  
Lupe Ramos-Watson, Commissioner  
Troy Strange, Commissioner

August 3, 2017

Mr. Jeff Davis, General Manager  
San Geronio Pass Water Agency  
1210 Beaumont Avenue,  
Beaumont, CA 92223

**Re: Support for the candidacy of Michael Wilson for the 2018-2019 ACWA Region 9 Board**

Dear Mr. Davis,

It is time to elect the ACWA Region 9 Board and I am pleased to introduce myself and share with you my interest in serving on the Board. My name is Michael Wilson, the Vice President of the Indio Water Authority Board and the Mayor Pro Tem for the City of Indio. Serving on the Indio Water Authority Board since 2000, I have gained a better knowledge and understanding of water issues through participation in ACWA meetings. My involvement in ACWA continues to increase as I have become more knowledgeable about the issues and challenges that confront the industry.

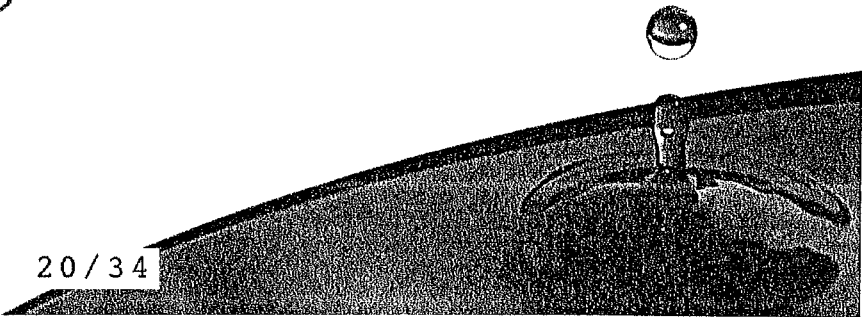
I currently serve on the Coachella Valley Conservation Commission, East Valley Reclamation Authority, and the Riverside County Transportation Commission where I am an advocate for water, infrastructural and environmental issues that are complementary to ACWA's Policy Principles. If elected to the Region 9 Board, my perspective representing a City and two joint powers authorities in the water industry would complement the other members who typically represent special districts. I have served on the City Council since 1995 and was the Mayor from 1997-98, 2002-03, and 2013-14, where I had the opportunity to be involved in water, infrastructural and environmental issues.

Thank you for allowing me to share my experience, leadership and knowledge. I look forward to the opportunity to represent you, your agency, and the region. Please feel free to contact me directly by telephone or email at (760) 404-7715 or [mwilson@indio.org](mailto:mwilson@indio.org) should you have questions regarding my candidacy.

I appreciate your vote and am looking forward to serving you and the entire Association of California Water Agencies.

Sincerely,

Michael H. Wilson





# REGION 9 RULES AND REGULATIONS

*Each region shall organize and adopt rules and regulations for the conduct of its meetings and affairs not inconsistent with the Articles of Incorporation or bylaws of the Association (ACWA Bylaw V, 6.).*

## **OFFICERS**

The chair and vice chair shall be elected, one from each area, and the positions shall be rotated between the Western and Arid areas of Region 9.

The chair will appoint a secretary to the Board if one is deemed necessary.

When possible, alternates should be selected from the same Arid or Western regions as their corresponding chair or vice chair.

Western area which shall include:

- Beaumont-Cherry Valley WD ( Beaumont)
- Chino Basin WCD (Montclair)
- Chino Basin Watermaster (Rancho Cucamonga)
- City of Corona Dept of Water and Power (Corona)
- Crestline Village WD (Crestline)
- Crestline-Lake Arrowhead WA (Crestline)
- Cucamonga Valley WD (Rancho Cucamonga)
- DWP, City of Big Bear (Big Bear Lake)
- East Valley WD (San Bernardino)
- Eastern MWD (Perris)
- Elsinore Valley MWD (Lake Elsinore)
- Inland Empire Utilities Agency (Chino)
- Jurupa CSD (Mira Loma)
- Lake Arrowhead CSD (Lake Arrowhead)
- Lake Hemet MWD (Hemet)
- Monte Vista WD (Montclair)
- Rancho California WD (Temecula)
- Riverside County FC & WCD (Riverside)
- Riverside Public Utilities (Riverside)
- San Bernardino Valley MWD (San Bernardino)
- San Bernardino Valley WCD (Redlands)
- San Gorgonio Pass WA (Beaumont)
- Santa Ana Watershed Project Authority (Riverside)

West Valley WD (Rialto)  
Western MWD (Riverside)

Arid area which shall include:

Apple Valley Foothill CWD (Apple Valley)  
Apple Valley Heights CWD (Apple Valley)  
Bard WD (Winterhaven)  
Big Bear Area Regional Wastewater Agency  
(Big Bear City)  
Big Bear CSD (Big Bear City)  
Big Bear MWD (Big Bear City)  
Bighorn-Desert View WA (Yucca Valley)  
Cabazon WD (Cabazon)  
Coachella Valley WD (Coachella)  
County of San Bernardino, Special District D (Victorville)  
Desert Water Agency (Palm Springs)  
Heber PUD (Heber)  
Hi-Desert WD (Yucca Valley)  
Idyllwild WD (Idyllwild)  
Imperial ID (Imperial)  
Joshua Basin WD (Joshua Tree)  
Mariana Ranchos CWD (Apple Valley)  
Mission Springs WD (Desert Hot Springs)  
Mojave Water Agency (Apple Valley)  
Palo Verde ID (Blythe)  
Phelan Pinon Hills CSD (Phelan)  
Pinyon Pines CWD (Mountain Center)  
Twentynine Palms WD (Twentynine Palms)

## **MEETINGS**

The region will hold at least quarterly meetings, including the ACWA spring and fall conferences.

The Region 9 board will set all region meetings.

Any member wanting to add an agenda item for consideration at any Region 9 meeting must submit the information to be discussed at least 48 hours in advance of the meeting to the region chair to ensure that both sides of the issue will be present for consideration and understanding. However, a majority vote of those present, after a quorum is established, may provide for immediate consideration of an issue.

## **ATTENDANCE**

If a region chair or vice chair is no longer allowed to serve on the Board of Directors due to his / her attendance, the region board shall appoint from the existing region board a new region officer. (ACWA Policy & Guideline Q, 1.)

If a region chair or vice chair misses three consecutive region board / membership meetings, the same process shall be used to backfill the region officer position. (ACWA Policy & Guideline Q, 1.)

If a region board member has three consecutive unexcused absences from a region board meeting or general membership business meeting, the region board will convene to discuss options for removal of the inactive board member. If the vacancy causes the board to fail to meet the minimum requirement of five board members, the region must fill the vacancy according to its rules and regulations. (ACWA Policy & Guideline Q, 3.)

## **VACANCY**

Should a vacancy occur in the region chair position, the alternate chair shall assume the position.

Should a vacancy occur in the region vice chair position, the alternate vice chair shall assume the position.

When filling a chair or vice chair vacancy, where possible the board will fill the position with a candidate from the correct Arid or Western regions.

Should a vacancy occur in either the alternate chair or the alternate vice chair positions, the region chair shall appoint a replacement from the remaining board members with concurrence from the region board.

Should a vacancy occur in any of the other three remaining board positions, the region chair shall appoint a replacement from a member agency within the appropriate designated area with concurrence from the region board.

## **ELECTIONS**

All nominations received for the region chair, vice chair and board positions must be accompanied by a resolution of support from each sponsoring member agency, signed by an authorized representative of the Board of Directors. Only one individual may be nominated from a given agency to run for election to a region board. Agencies with representatives serving on the nominating committees should strive not to submit nominations for the region board from their agency. (ACWA Policy & Guideline P, 2.)

Election ballots will be e-mailed to ACWA member agency general managers and presidents.

The nominating committee shall consist of three to six individuals; and shall have the same number of members from each Western and Arid areas.

The nominating committee shall pursue qualified members within the region to run for the region board and consider geographic diversity, agency size and focus in selecting a slate.

*See current region election timeline for specific dates.*

## **ENDORSEMENTS**

ACWA, as a statewide organization, may endorse potential nominees and nominees for appointment to local, regional, and statewide commissions and boards. ACWA's regions may submit a recommendation for consideration and action to the ACWA Board of Directors to endorse a potential nominee or nominee for appointment to a local, regional or statewide commission or board. (ACWA Policy & Guideline P, 3.)

## **COMMITTEE RECOMMENDATIONS & REPRESENTATION**

All regions are given equal opportunity to recommend representatives of the region for appointment to a standing or regular committee of the Association. If a region fails to provide full representation on all ACWA committees, those committee slots will be left open for the remainder of the term or until such time as the region designates a representative to complete the remainder of the term. (ACWA Policy & Guideline P, 4. A.)

At the first region board / membership meeting of the term, regions shall designate a representative serving on each of the standing and regular committees to serve as the official reporter to and from the committee on behalf of the region to facilitate input and communication. (ACWA Policy & Guideline P, 4. B.)

The chair and vice chair shall make all committee appointment recommendations to the ACWA committees, to be ratified by the region board prior to submission to the ACWA president for consideration.

## **TOURS**

ACWA may develop and conduct various tours for the regions. All tour attendees must sign a "release and waiver" to attend any and all region tours. Attendees agree to follow environmental guidelines and regulations in accordance with direction from ACWA staff; and will respect the rights and privacy of other attendees. (ACWA Policy & Guideline P, 6.)

## **FINANCES**

*See "Financial Guidelines for ACWA Region Events" document.*



ACWA policies and guidelines can be amended by approval of the ACWA Board of Directors.

The Region 9 Rules & Regulations can be amended by a majority vote at any region meeting following advance written notice to member agencies.

© 2017 Association of California Water Agencies



August 4, 2017

Dear ACWA member,

I respectfully ask you for your support of my nomination to succeed Kathy Tiegs as the President of ACWA. I am honored to have had your past support, and to be elected ACWA Vice-President by ACWA members in December 2015. My tenure serving with President Tiegs has been invaluable and with your support I look forward to continuing to serve ACWA.

I have used this opportunity to listen, learn more about issues that are important to each ACWA region and talk with as many ACWA members as possible.

I chair ACWA's Disadvantaged Communities Safe Drinking Water Task Force. I serve on ACWA's Executive Committee, ACWA's Office Building Advisory Group, the Next Generation Advisory Committee and ACWA's Ag Initiative Advisory Group.

Since being elected ACWA Vice-President, I have attended seven ACWA region events, the ACWA Regulatory Summit, the ACWA Legislative Symposium, numerous ACWA State Legislative Committee and other committee meetings, three ACWA Conferences and two ACWA DC briefings. And, I continue to be Chair of the Board of Directors of Yuba County Water Agency.

We live in interesting times! The challenges to water rights and water supplies may never have been greater, but I believe that there are also opportunities for creative, durable solutions that will benefit all of California's water suppliers. I believe that ACWA and our membership will continue to lead us to these solutions.

Please communicate your support for my nomination by emailing ACWA's Nominating Committee **no later than August 30, 2017**. A Board resolution of support is not required. Your email should be sent to:

John Coleman, Nominating Committee Chair  
c/o Donna Pangborn ([donna@acwa.com](mailto:donna@acwa.com))

Please do not hesitate to contact me (530) 400-1992 or [bhastey@gmail.com](mailto:bhastey@gmail.com) if you would like to discuss my nomination or any issues that are important to you.

Best Regards,

*Brent Hastey*

Brent Hastey

## *Brent Hastey for ACWA President, 2018-2019*



Brent Hastey was born and raised in the Plumas Lake area, representing the fifth generation of his family to live in Yuba County, California. He grew up irrigating pasture and swimming in the ditches on the ranch. Becoming active in politics in college, he was first elected to public office in 1987, when he won an election for a seat on the Board of Reclamation District 784. He served in this position for six years, during three of which he chaired. In 1992, he was elected to the Board of Supervisors of Yuba County, on which he served until 2000. As a County Supervisor, he also served on the Boards of the Yuba County Water Agency (YCWA), Yuba County Local Agency Formation Commission, Regional Council of Rural Counties, and the Sacramento Area Council of Governments. In 1994, he became the founding Chairperson of the Yuba-Sutter Economic Development Corporation, which he chaired until 1996.

Brent Chaired the YCWA Board in 1996 and 1997, which was during the devastating flooding of 1997. He led the Board through this trying time, and testified before the United States Congress on the causes and emergency management of the flood. In response to this disaster and state water needs, the voters of California passed Proposition 13, which authorized the sale of \$1.97 billion in bonds to support safe drinking, water quality, flood protection, and water reliability projects. Brent strongly supported the approval. In 2014, Brent was reelected to the YCWA Board of Directors, and he currently serves as Chair.

In addition to his service in areas of water management in California, Brent has worked in the service of higher education both locally and on a statewide level. In 2010, He was elected to the Yuba Community College District, a district which serves eight counties and spans nearly 4,200 square miles of rural northern California. Recently, Brent was elected to the California Community College Trustee Board (CCCT). CCCT represents and acts in the best interest of California's 72 Community College Districts

Brent is also the founding Director of the Bank of Feather River, which started in 2007. He served as Chairman of the board from 2010-2016. Bank of Feather River is a community bank specializing in agriculture lending.

In addition to his political service, he has long-valued the opportunity for community and global service through Rotary International. A member of South Yuba County Sunrise Rotary Club since 1986, Brent works to live out the organization's motto in everyday life: "Service above Self".

Brent and his wife Alisan, a music educator in the Marysville Unified School District, have been married 34 years. They own and operate Plumas Lake Self-Storage. Brent and Alisan have raised four amazing children, plenty of dogs, a few horses and a donkey.

Brent has been involved with the Association of California Water Agencies (ACWA) throughout his tenure as a member of the Board of Directors of YCWA (an ACWA member).

Since his election as ACWA Vice-President in 2015 (for 2016-2017), Brent has used this opportunity to listen, learn more about issues that are important to each ACWA region and talk with as many ACWA members as possible.

Brent chairs ACWA's Disadvantaged Communities Safe Drinking Water Task Force. He serves on ACWA's Executive Committee, ACWA's Office Building Advisory Group, the Next Generation Advisory Committee and ACWA's Ag Initiative Advisory Group.

Since being elected ACWA Vice-President, Brent has attended seven ACWA region events, the ACWA Regulatory Summit, the ACWA Legislative Symposium, numerous ACWA State Legislative Committee and other committee meetings, three ACWA Conferences and two ACWA DC briefings.

## MEMORANDUM

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**TO:** Board of Directors

**FROM:** General Manager/General Counsel

**RE:** Ordinance 14 Changing the Time of Board Meetings

**DATE:** August 21, 2017

### **Summary:**

At the August 7 Board meeting, and again at the August 14 Engineering workshop, the Board discussed the current Ordinance 12 setting the time of Board meetings and workshops. After much discussion at both meetings, the Board recommended at the workshop to adopt a new ordinance, Ordinance 14, which would change the time of Board meetings from 7:00 pm to 6:00 pm. No other changes in meeting times would be made. The purpose of this proposed Board action is to provide the Board with an opportunity to ratify that recommendation and approve the new ordinance.

### **Background:**

In November 2015, the Board adopted Ordinance 12 changing the time of Board meetings from 1:30 pm to 7:00 pm on the first and third Mondays, and the time of Board workshops from 1:30 pm to 4:00 pm on the second and fourth Mondays. The language of the Ordinance itself stated that the Board would re-evaluate the changes from time to time based on public attendance at meetings.

### **Detailed Report:**

At the August 7 Board meeting, after much discussion, the Board voted to change the time of all meetings to 6:00 pm and directed staff to draft an ordinance so stating. After that meeting, staff contacted the President to inform him of some staff commitments on Monday nights that would make holding meetings at 6:00 problematic for some staff members, based on those personal commitments. The President agreed to bring the item up for further discussion at the Engineering workshop on August 14.

At that meeting, after hearing of the issue with staff commitments, the Board discussed the issue further and voted to recommend keeping workshop times at 4:00 pm and moving Board meetings from 7:00 pm to 6:00 pm, directing staff to draft Ordinance 14 (attached).

At the August 7 Board meeting, the Board expressed a desire to know how staff manages its time on Board days. On these days, all office staff report to work at 7:30, the normal time. The General Manager allows the Executive Assistant to leave work between 3:30 and 4:00 pm (30 to 60 minutes early) and then to return at approximately 6:30 for the Board meeting. The General Manager does not leave work during these days, except to eat dinner. All staff members, including the General Manager, are expected to be at work at 7:30 am on the morning following Board meetings, regardless of the length of the meeting.

While not included in the ordinance, the Board indicated a willingness to begin some closed sessions at 5:00 pm on Board days (one hour prior to the Board meeting start time). This would result in the Board meetings ending earlier on those occasions.

Committee meetings will continue to be scheduled based on availability of Committee members and staff, on an as-needed basis.

**Fiscal Impact:**

There is no fiscal impact to changing the time of Board meetings.

**Recommendation:**

Staff recommends that the Board adopt Ordinance 14 as drafted by the General Counsel and in accordance with the Board's recommendation at the August Engineering workshop.

**SAN GORGONIO PASS WATER AGENCY  
ORDINANCE NO. 14**

**AN ORDINANCE ESTABLISHING A NEW TIME FOR  
BOARD MEETINGS AND AFFIRMING THE DATE AND  
PLACE OF BOARD MEETINGS**

WHEREAS, the San Gorgonio Pass Water Agency (“Agency”) is a State Water Project (“SWP”) Contractor and wholesale water agency organized and operating under the Chapter 101 of the San Gorgonio Pass Water Agency Law set forth in the Water Code Appendix (“Law”). Section 11 of the Law provides that the Board of Directors shall provide for the time and place of holding its meetings and the manner in which its special meetings may be called; and

WHEREAS, the Board has adopted a number of ordinances and resolutions over the years designating changes in the date, time and place of Board meetings; and

WHEREAS, the Board desires to change the time for Board meetings as set forth below. This change is in response to feedback and observations regarding the number of attendees at Board meetings; and

WHEREAS, the Board has the authority under the Law, and pursuant to the requirements of the Ralph M. Brown Act (Government Code Section 54950 et seq.), to change the date, time, and/or place of Board meetings for a particular meeting or on a more permanent basis so long as certain procedures are followed.

BE IT ORDAINED BY THE BOARD OF DIRECTORS OF THE SAN GORGONIO PASS WATER AGENCY AS FOLLOWS:

Section 1 Incorporation Of Recitals All of the foregoing Recitals are true and correct and the Board so finds and determines. The Recitals set forth above are incorporated herein and made an operative part of this Ordinance.

Section 2 Place Of Board Meetings Board Meetings shall be held at the Agency offices located at 1210 Beaumont Avenue, Beaumont, CA.

Section 3 Regular Board Meetings Regular meetings of the Board shall convene at 6:00 PM on the first and third Monday of each month.

Section 4 Engineering Workshop Meetings of the Board of Directors Engineering Workshop shall convene at 4:00 PM on the second Monday of each month.

Section 5 Finance And Budget Workshop Meetings of the Board Finance And Budget Workshop shall convene at 4:00 PM on the fourth Monday of each month.

Section 6 Ordinance To Be Controlling All ordinances, resolutions, or other Board actions, or parts thereof, that are inconsistent with any provision of this Ordinance are hereby superseded to the extent of such inconsistency.

Section 7 New Schedule Commences Upon Adoption Of Ordinance The President of the Board of Directors shall sign this Ordinance and the Secretary of the Board of Directors shall attest thereto, and this Ordinance shall be in full force and effect immediately upon adoption. The new and affirmed date, time and place of Board meetings, as set forth herein, shall go into effect upon adoption of this Ordinance.

Section 8 Severability If any section, subsection, clause or phrase in this Ordinance is for any reason held invalid, the validity of the remainder of this Ordinance shall not be affected thereby. The Board hereby declares that it would have passed this Ordinance 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 this 21st day of August of 2017, by the Board of Directors of the San Gorgonio Pass Water Agency.

SAN GORGONIO PASS WATER AGENCY

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David Fenn  
President of the Board of Directors

ATTEST:

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Jeffrey Davis  
Secretary of the Board of Directors



## MEMORANDUM

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**TO:** Board of Directors  
**FROM:** General Manager  
**RE:** Purchase of Agency Vehicle  
**DATE:** August 21, 2017

**Summary:**

In the Board-approved 2017-2018 General Fund budget, funds are included for a new Agency vehicle for the General Manager's use. The purpose of this proposed Board action is to gain Board approval for purchase of this vehicle at this time.

**Background:**

The current vehicle used by the General Manager has over 180,000 miles and is 8-1/2 years old (purchased in February 2009). It has surpassed its expected life, and far surpassed the life of its predecessor.

It has been well-maintained and has not encountered any major problems to date. However it is at a point where it is likely to encounter major repair costs in the near future. This is partly due to the mileage and partly due to the fact that it is currently experiencing problems with the drive train. For years, the air conditioning has not worked when the car is accelerating. Staff has not had this repaired due to the cost of the repair (over \$400).

The Board has approved funds for a new vehicle for the past two years, but staff did not see a reason to replace a vehicle that was operating within acceptable parameters at that time. Now, with the current problems, the extensive mileage, and the time of year, conditions are favorable for the purchase of a replacement vehicle.

This is partly due to the fact that this is the time of year when the best deals are available for vehicles due to the new model year vehicles

coming out. Staff feels that it can negotiate the best price this year in the next month, and still receive a reasonable amount for a trade-in.

**Detailed Report:**

Staff intends to replace the vehicle in kind (Ford Explorer with 4-wheel drive). The last two Agency vehicles have also been this same type. The current vehicle has a V-8 engine, which is not required for its intended use. The budget includes \$37,000 for the new vehicle.

Staff has begun researching similar vehicles in the area and it would appear that a new vehicle could be purchased, including tax and title, for less than this amount. The Agency's procurement policy requires that the Board approve the purchase and that staff obtain three quotes for similar vehicles prior to negotiating the best price.

**Fiscal Impact:**

The funds are budgeted for this fiscal year as a capital expenditure. With purchase of a new vehicle, maintenance costs would decrease over the next three years, and a newer vehicle with a smaller engine would get better gas mileage, reducing maintenance costs further.

**Recommendation:**

Staff recommends that the Board approve purchase of a replacement Agency vehicle for use by the General Manager.