

**SAN GORGONIO PASS WATER AGENCY**  
**1210 Beaumont Avenue, Beaumont, California 92223**  
**Minutes of the**  
**Board of Directors Meeting**  
**May 4, 2020**

IN AN EFFORT TO PREVENT THE SPREAD OF COVID-19 (CORONAVIRUS), AND IN ACCORDANCE WITH THE GOVERNOR'S EXECUTIVE ORDER N-29-20, **THERE WILL BE NO PUBLIC LOCATION FOR ATTENDING THIS BOARD MEETING IN PERSON.** MEMBERS OF THE PUBLIC MAY LISTEN AND PROVIDE PUBLIC COMMENT TELEPHONICALLY BY CALLING THE FOLLOWING NUMBER:  
 (866) 212-0875,  
 Participant passcode: 7006747 #

**Directors Present:** Ron Duncan, President  
 All Board members Lenny Stephenson, Vice President  
 attended by teleconference Michael Thompson, Treasurer  
 Blair Ball, Director  
 David Fenn, Director  
 David Castaldo, Director  
 Steve Lehtonen, Director

**Staff Present:** Jeff Davis, General Manager  
 All Staff members Jeff Ferre, General Counsel  
 attended by teleconference Thomas Todd, Finance Manger  
 Cheryle Stiff, Executive Assistant

- 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 Duncan at 1:30 p.m., May 4, 2020 by teleconference. President Duncan led the Pledge of Allegiance to the flag. President Duncan gave the invocation. President Duncan requested a roll call.

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

- 2. Adoption and Adjustment of Agenda:** *President Duncan asked if there were any adjustments to the agenda.* General Manager Davis stated that there is no adjustment to the agenda.
- 3. Public Comment:** *President Duncan stated that As permitted under the Brown Act, and in order to provide an equal opportunity for members of the public to provide comment telephonically, all public comments, on items on or off the agenda, will be taken during the Public Comment portion of this*

*meeting. Under the Brown Act, no action or discussion shall take place on any item not appearing on the agenda, except that the Board or staff may briefly respond to statements made or questions posed for the purpose of directing statements or questions to staff for follow up. President Duncan asked for public comments from the public. There were no members of the public that spoke at this time.*

**4. Consent Calendar:**

- A. Approval of the Minutes of the Regular Board Meeting, March 16, 2020
- B. Approval of the Minutes of the Finance and Budget Workshop, March 23, 2020
- C. Approval of the Finance and Budget Workshop Report, March 23, 2020

*President Duncan asked for a motion on the Consent Calendar. Director Thompson made a motion, seconded by Director Castaldo, to adopt the consent calendar. President Duncan requested a roll call vote.*

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

Motion passed 7-0.

**5. Reports:**

**A. General Manager’s Report:** A written report was not provided in the agenda packet. General Manager Davis verbally reported on the following:

**1. Operations Report** – No deliveries were made in April. As of this morning we are back online. BCVWD requested deliveries for 10 cfs through June. We will begin taking our San Luis Reservoir carryover water to be delivered to Banning. A request to SBVMWD was submitted to begin feeding Earth Tech to reduce algae and it is currently being fed.

**2. Other Agency Updates -**

a. Covid-19 Update: General Manager Davis provided the current statistics for the number of cases and deaths within the Agency’s service area.

b. BiOps and ITP – General Manager Davis noted that there are two new letters included in the Agenda packet. He read the pertinent information that was in the letters. He reviewed the additional materials that relate to litigation on the state’s ITP, from the SWC’s and from others.

c. State Report on Delta Conveyance Amendment – As of Thursday, negotiations were completed on the Agreement in Principle. There are two documents, an AIP and an accompanying White Paper. Board discussion on these items will take place in the near future.

d. Board members are to contact staff should they desire a hard copy of the agenda or need materials for printing of the agenda.

**B. General Counsel Reports:** General Counsel Ferre provided a written report that was included in the agenda packet. General Counsel Ferre stated that in the Agenda package there is a summary of some of the Executive Orders that have been issued in response to COVID-19. Since the time of the report the County of Riverside Supervisors will be discussion whether to rescind its County Orders tomorrow, May 5<sup>th</sup>. General Counsel Ferre explained what the proposed changes would be. The stay-at-home order remains in place.

**C. Directors Reports:** 1) **Director Thompson** reported on BCVWD Engineering meeting that was held on April 23rd via teleconferencing.

**D. Committee Reports:** 1) **Director Thompson** stated that future Conservation and Education workshops will be cancelled for the foreseeable future.

**6. New Business:**

**A. Consideration and Possible Action on Agreement to Water Exchanges with City of Ventura and Casitas Municipal Water District.** A staff report and a copy of the Agreement between SGPWA and the City of San Buenaventura and Casitas Municipal Water District were included in the agenda packet. General Manager Davis noted that if the Board wishes to meets its customers water orders, the Board would need to approve this exchange agreement and also keep Nickel water. He reviewed the three party agreement with the Board. The Agency implemented a similar arrangement with Ventura and Casitas for the last two years. He noted that there is a second agreement that is associated with this transaction. This agreement includes DWR, Ventura, Casitas, and the Agency. General Counsel Ferre noted that that Item 6A is for the Consideration and Possible Action on Agreement to Water Exchanges with City of Ventura and Casitas Municipal Water District, and not an agreement that includes DWR. General Manager Davis was in agreement. A motion was made by Director Stephenson, seconded by Director Fenn, to approve the three party contract for the water exchange with the City of Ventura and Casitas Municipal Water District. President Duncan asked for a roll call.

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

Director Lehtonen	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Director Stephenson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
President Duncan	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Motion passed 7-0.

**B. Consideration and Possible Action on Dispensation of 2020 Nickel Water.** A staff report and related materials were included in the agenda packet. General Manager Davis stated that this item was requested by President Duncan. He noted that there is a spreadsheet that was included in the agenda. The Board had reviewed a similar spreadsheet in February. Some of the numbers have changed slightly; this is due to having a better idea of what YUBA water will cost. President Duncan opened this item for discussion. The Board discussed the pros and cons of selling/keeping Nickel water. The majority of the Board did not wish to sell at this time. No action was taken on this item.

**7. Topics for Future Agendas: 1) Director Stephenson** requested an update on the Calimesa facilitation deliveries.

**8. Announcements:**

- A. Engineering Workshop, May 11, 2020 at 1:30 p.m.
- B. Water Conservation and Education Committee, May 14, 2020 at 1:30 p.m. - Cancelled
- C. Regular Board Meeting, May 18, 2020 at 1:30 p.m.

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

**Time: 2:31 pm**

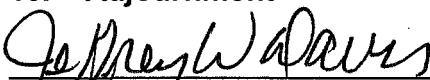
- A. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION  
Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Government Code Section 54956.9  
One potential case
- B. PUBLIC EMPLOYMENT  
Pursuant to Government Code Section 54957  
Title: General Manager

**The meeting reconvened to open session at: Time: 4:06 pm**

*Legal counsel reports that in regard to item 9(A), the Board took action to authorize joining with other State Water Contractors in legal action challenging the Incidental Take Permit issued by the California Department of Fish and Wildlife for State Water Project operations. The motion was made by Director Stephenson, seconded by Director Duncan, and approved 7-0.*

**10. Adjournment**

**Time: 4:06 pm**

  
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Jeffrey W. Davis, Secretary of the Board