

SAN GORGONIO PASS WATER AGENCY
1210 Beaumont Avenue, Beaumont, California 92223
Minutes of the
Board of Directors Meeting
September 13, 2021, 1:30 p.m.

IN AN EFFORT TO PREVENT THE SPREAD OF COVID-19 (CORONAVIRUS),
AND IN ACCORDANCE WITH THE GOVERNOR'S EXECUTIVE ORDER N-29-20,
THIS MEETING WAS HELD VIA ZOOM.

Board Present:	Steve Lehtonen, President
Board members	Larry Smith, Vice President
Attended by video	Mickey Valdivia, Treasurer
conferencing/ teleconferencing	Blair Ball, Director Ron Duncan, Director Chander Letulle, Director Robert Ybarra, Director

Staff Present:	Lance Eckhart, General Manager
Staff members	Tom Todd, Jr., Finance Manager
attended by video	Cheryle Stiff, Executive Assistant
conferencing/ teleconferencing	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 Lehtonen at 1:30 pm, September 13, 2021, by video/teleconference. Vice President Smith led the Pledge of Allegiance to the flag. President Lehtonen gave the invocation. President Lehtonen requested a roll call.

<u>Roll Call:</u>	<i>Present</i>	<i>Absent</i>
Director Ball	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Director Duncan	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Director Letulle	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Director Smith	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Director Valdivia	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Director Ybarra	<input checked="" type="checkbox"/>	<input type="checkbox"/>
President Lehtonen	<input checked="" type="checkbox"/>	<input type="checkbox"/>

A quorum was present.

2. **Adoption and Adjustment of Agenda:** President Lehtonen stated that Item 6.A will follow immediately after Public Comment. There was no other adjustment to the agenda.
3. **Public Comment:** President Lehtonen asked for public comments on any matter within the Agency's jurisdiction. There were no public comments at this time.

6. New Business:

A. Senator Rosilicie Ochoa Bogh (R) – Legislative Update: President Lehtonen called upon Director Duncan for his introduction to Senator Ochoa Bogh. Director Duncan provided a summary of the Senator's biography. Of special note, in November 2020, the Senator was elected to represent the nearly one million people of California's Senate District 23, which includes the SGPWA boundaries. Director Duncan called upon the Senator to speak on her legislative update. Senator Ochoa Bogh noted the number of committees that she is on, one of the being the Senate Housing Committee, which has a connection to available water for region. She noted that Senator Jim Nielsen (R) is an advocate for water and infrastructure, and she has been learning from him on this subject. She is currently reaching out to the water agencies within her district to open the lines of communication. She is most interest to hear how we can start working on the water needs in this region. She stated that with the Pass area growing, the need for water is prevalent. She is working on infrastructure that allows for groundwater storage. Senator Ochoa Bogh also spoke on other issues related to the Senate and items of interest in the Pass area. After her presentation she took questions from the Board and the public. Director Valdivia suggested that the Agency forward to Nick Calero (Assistant to Senator Ochoa Bogh), and to Banning Mayor Art Welch, a list of the Agency's own local projects taking place in Calimesa and Banning, which would allow the Senator to investigate if there is potential for funding for the projects. Mr. Kevin Walton (Banning resident) asked if he could talk to the Senator at a different forum. Director Duncan stated that he would forward Mr. Walton's contact information to the Senator's assistant. After discussion, President Lehtonen thanked the Senator for her presence at today's meeting. The Senator stated that she is in the District until January and welcomes any additional questions or concerns, and feedback from the Board and the public.

4. Consent Calendar:

A. Approval of the Minutes of the Board Meeting, August 23, 2021: President Lehtonen asked for a motion to approve the Consent Calendar. Director Duncan made a motion, seconded by Director Valdivia, to adopt the consent calendar as presented. Director Valdivia asked that the Minutes of August 23, 2021, be amended on item 7A-2, to include additional language as follows: It is expected that a recommendation will be made to approve Addendum No. 1 of the Plans and Specifications Contract documents, for MDP Line 16, Stage 50 Recharge Basin Feeder. Director Duncan changed his motion to approve the minutes, as amended. President Lehtonen requested a roll call vote.

<i>Roll Call</i>	<i>Ayes</i>	<i>Noes</i>	<i>Abstain</i>	<i>Absent</i>
Director Ball	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Director Duncan	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Director Letulle	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Director Smith	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Director Valdivia	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Director Ybarra	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
President Lehtonen	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

The motion passed, 7 in favor, 0 opposed.

5. Reports:

A. General Manager's Report: None.

B. General Counsel's Report: General Counsel Ferre reported on AB 361 - Brown Act Waivers. He stated that AB 361 has been passed out of the Legislature and is before the Governor. General Counsel Ferre stated that should AB 361 be signed it would permit the continuance of virtual meetings during the current COVID state of emergency, and future states of emergency under certain conditions. The Governor has until October 10th to sign or veto the bill. If it is signed by the Governor, it will go into effect immediately and will remain in effect until January 1, 2024. He also noted that there is another bill, AB 339 that is being considered. AB 339 would allow virtual meetings without a state of emergency, the rule would apply to cities and counties. Mr. Ferre concluded his report and answered questions from the Board.

6. New Business:

B. Adopt Resolution No. 2021-15 to Approve an Agreement for the Receipt of 2021 State Water Project (SWP) Table A water from the City of Ventura: A staff report, and related materials, were included in the agenda packet. General Manager Eckhart stated that this will be the fourth year that the Agency has done long-term agreement with the City of Ventura. He explained the terms of the agreement, stating that the Agency would pay \$300,000 towards Ventura's SWP fixed costs in exchange for receipt of Ventura's Table A allocation for 2021. Director Ball noted that the staff report states the "Approved Fiscal Year 2020-21". General Manager Eckhart stated that is a typo, and it should have read 2021-22. Dan Jagers (BCVWD, General Manager) stated that he supports this type of activity, as it is an actual need, and that BCVWD is interested in purchasing this water. After discussion, Director Valdivia made a motion, seconded by Director Duncan, to adopt Resolution No. 2021-15 authorizing the General Manager to execute an Agreement for the transfer of 2021 SWP Table A water and to take any and all actions to receive Table A water from the City of Ventura. President Lehtonen requested public comment. There being none, he requested a roll call vote.

<u>Roll Call:</u>	<u>Aye</u>	<u>Noes</u>	<u>Absent</u>	<u>Abstain</u>
Director Ball	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Director Duncan	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Director Letulle	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Director Smith	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Director Valdivia	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Director Ybarra	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
President Lehtonen	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Motion passed 7 in favor, 0 opposed.

C. Potential Changes to Board of Directors Compensation Policy: A staff report, and Resolution No. 2021-11 were included in the agenda packet. General Counsel Ferre stated that Director Ybarra requested that the Board consider increasing the number of days per month for which a Board member may receive per diem compensation. Mr. Ferre explained the process of changing the Compensation Policy, which includes preparing a Public Hearing Notice and the scheduling of a Public Hearing. Mr. Ferre stated that the Board is to provide a consensus of what they are considering in order for him to produce the Public Notice. President Lehtonen asked for public comment on this item. David Fenn (Beaumont resident) stated that he is not opposed to directors being paid for additional meetings, but the meetings attended

should only be water related. He provided his input on what the director should report on, including dates, and what transpired at the meeting and how it relates to the Agency. He also provided his input on what types of meetings would be appropriate to be paid for. Kevin Walton (Banning resident) spoke on making changes to the list and having to do a public notice each time the Board wishes to make a change. He also spoke on compensation of the meetings. Joyce McIntyre (Calimesa resident) questioned if staff has looked at other agencies and its compensation policies. There being no other public comment, President Lehtonen requested discussion from the Board. At the end of the discussion, the Board came to a consensus and directed Mr. Ferre to proceed with the public notice with the information that was provided to him by the Board.

7. Reports – Directors

A. 1) President Lehtonen stated that he had been interviewed by Mandy Parkes of IERCD. He notified the Board that IERCD will be interviewing each of the directors in the upcoming months. **2) Director Valdivia** reported on items related to Riverside County. **3) Director Ball** reported on the Riverside County Water Symposium that was held on August 27th, the guest speaker was Dan Jagers (BCVWD). He also reported that he attended BCVWD's meeting held on September 8th.

B. Committee Reports: **1) Director Ybarra** reported on the Local Capital Improvement Committee meeting that was held on September 9th.

8. Topics for Future Agendas: Director Valdivia requested that an agenda item include a resolution related to the posting of the agenda.

9. Announcements

A. Finance and Engineering Workshop, September 20, 2021, at 6:00 p.m.

– Teleconference/Zoom

B. Regular Board Meeting, September 27, 2021, at 1:30 p.m.

– Teleconference/Zoom

C. Regular Board Meeting, October 11, 2021, at 1:30 p.m. – Teleconference/Zoom

President Lehtonen adjourned the Board meeting to Closed Session at 3:54 p.m.

10. Closed Session: (2 Items)

A. PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Pursuant to Government Code Section 54957

Title: General Manager

B. CONFERENCE WITH LABOR NEGOTIATORS

Pursuant to Government Code Section 54957.6

Agency Designated Representative: President Steve Lehtonen

Unrepresented Employee: General Manager

- **The Board came out of closed session at 4:45 p.m.**

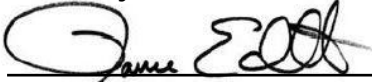
- **The Board reconvened to open session at 4:46 p.m.**

General Counsel Jeff Ferre stated that the Board conducted closed sessions under Items 10(A) and 10(B) and there was no reportable action, but based on direction from the closed session, the Board will now take up the next item on the open session agenda.

11. Return to Open Session:

(A) Approval of Second Amendment to General Manager Employment Agreement: General Counsel then introduced this Item and stated that under the Brown Act, before the Board could consider a possible Second Amendment, the following disclosure needed to be made; The Board would like to consider a Second Amendment to the General Manager's Employment Agreement to amend the compensation provision whereby the General Manager would receive compensation at a rate of \$207,900 annually and said compensation would be retroactive to July 1, 2021. After a discussion, a motion was made by Director Ball, seconded by Duncan, to approve a Second Amendment to the General Manager's Employment Agreement with the change in compensation as stated.
The motion passed 7 in favor, 0 opposed.

12. Adjournment: President Lehtonen adjourned the meeting at 5:00 p.m.



Lance Eckhart, Secretary of the Board

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