

SAN GORGONIO PASS WATER AGENCY
1210 Beaumont Avenue, Beaumont, California 92223
Minutes of the
Board of Directors Meeting
September 27, 2021

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/ Blair Ball, Director
teleconferencing Ron Duncan, Director
Chander Letulle, Director
Robert Ybarra, Director

Staff Present: Lance Eckhart, General Manager
Staff members Tom Todd, Jr., Chief Financial Officer
attended by video Cheryle Stiff, Executive Assistant
conferencing/ Jeff Ferre, Legal Counsel
teleconferencing

1. **Call to Order, Flag Salute, Invocation, and Roll Call:** The San Gorgonio Pass Water Agency Board of Directors meeting was called to order by Board President Steve Lehtonen at 1:30 pm, September 27, 2021, by video/teleconference. President Lehtonen led the Pledge of Allegiance to the flag. Director Duncan gave the invocation. President Lehtonen requested a roll call.

<u>Roll Call:</u>	Present	Absent	
Director Ball	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Arrived at 1:38 p.m.
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:** The agenda was adopted as published.
3. **Public Comment:** President Lehtonen asked for public comment on any matter within the jurisdiction of the Agency. There were no members of the public that wished to speak at this time.

4. Consent Calendar:

- A. Approval of the Minutes of the Regular Board Meeting, September 13, 2021
- B. Approval for the Minutes of the Finance & Engineering Workshop, September 20, 2021

President Lehtonen asked for a motion to approve the Consent Calendar. Director Valdivia made a motion, seconded by Director Duncan, to approve the consent calendar with the following notations. At the September 20, 2021, Board workshop, during discussion of Agenda Item 6A, Director Valdivia had asked three questions of which he would like reflected in today's minutes. 1) Are any of the Board members aware of the contents of element number eleven of the contract. (He noted that President Lehtonen had stated that they were aware of the contents). 2) What happens to the other retailers within our boundaries that have not paid into Sites; do they have the ability to acquire the water. 3) Is this time-sensitive. Director Valdivia noted that it was explained to him that this matter is time-sensitive and that it needed to be voted on by October 2021. Director Valdivia also inquired if the Agency records the meetings. CFO Tom Todd stated that "we do not." President Lehtonen asked for Legal Counsel's input on the what is to be included in the minutes. Legal Counsel Ferre stated that for the purpose of the meetings, the only items that have legal impacts are the motions, seconds and the vote. For items that are informational, or items discussed at a committee meeting, the summary can be general in terms of what was discussed or comments made. Recordings of the meetings were kept when the meetings were held in the conference room. The Brown Act states recordings can be deleted after the minutes have been approved.

<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:** General Manager Eckhart reviewed the following items with the Board:
 - 1) Update on IT Support Equipment: Staff has been working with Counsel and vendors to develop a plan to supply Board members with IT equipment and IT technical support to conduct Agency business. Staff will propose a policy for the use of IT equipment by Board members at the next Board meeting.
 - 2) The City Manager of Banning has requested General Manager Eckhart be present at the October 12th Council meeting, to make a presentation about the backbone pipeline.

B. Legal Counsel's Report: Legal Counsel Ferre provided an update on AB 361 that allows for virtual meetings after September 30th, as long as the State of Emergency stays in effect. To continue with virtual meetings, the Board will need to adopt a resolution that declares that there is a need to continue virtual meetings. These findings need to be made every thirty days to continue virtual meetings. Legal Counsel Ferre answered questions from the Board.

6. New Business:

A. Include Sites Reservoir Project Phase 2, Amendment 3 Charges on the Department of Water Resources (DWR) Statement of Charges: A staff report and related materials were included in the agenda packet. General Manager Eckhart noted that this item was discussed during the September 20th Board Workshop. Desert Water Agency, Coachella Valley Water District, San Bernadino Valley Municipal Water District, and the Agency have asked DWR to include planning costs for Sites Reservoir in DWR's Statement of Charges. The staff report explains the recommendation, previous consideration, background, analysis, fiscal impact, and action. General Manager Eckhart answered questions from the Board regarding the process of any amendments moving forward, who the Agency can sell water to, and information on Prop 218 and SB 323. After discussion, President Lehtonen requested a motion from the Board. Director Duncan made a motion, seconded by Director Valdivia, to approve SWPAO #21034. President Lehtonen requested public comment. General Manager Dan Jaggars (BCVWD) cited reasons he and his board believe this action is essential. They continue to participate in the Sites Reservoir for various reasons; he felt it is a good project given the current drought conditions. 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.

B. Adoption of Resolution 2021-16, Fixing the Employer Contribution for Health Care Coverage: A staff report, and Resolution 2021-16, were included in the agenda packet. CFO Todd stated that this is a housekeeping item. The Board recently approved a change in the General Manager's contract to allow him to select similar health care coverage as the rest of the employees. The purpose of this updated resolution is to meet CalPERS requirements and to formalize the recent Board decision. President Lehtonen requested discussion from the Board. After discussion, Director

Valdivia made a motion, seconded by Director Duncan, to approve Resolution 2021-16. President Lehtonen request public comment. There was none. President Lehtonen requested a roll call vote.

Roll Call	Ayes	Noes	Abstain	Absent
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.

- C. Adoption of Resolution 2021-17, Salary Schedule Approval for CalPERS:** A staff report, Resolution 2021-17, and related materials were included in the agenda packet. CFO Todd stated that this is another housekeeping item. CalPERS requires Board approval of the salary schedule for the Agency. The Board recently increased the General Manager's salary, and this update includes his new salary. President Lehtonen requested public comments. There were none. He opened the discussion to the Board. Director Valdivia made a motion, seconded by Director Duncan, to approve Resolution 2021-17. President Lehtonen requested a roll call vote.

Roll Call	Ayes	Noes	Abstain	Absent
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.

- 7. A. Reports - Directors:** None.

- B. Committee Reports:** None.

- 8. Topics for Future Agendas.** Director Valdivia requested that there be a discussion on what it would take to record board meetings. He noted that the minutes do not need to be as thorough, especially if the meetings are recorded, but it should be one or the other.

9. Announcements

- A. Regular Board meeting, October 11, 2021 at 1:30 p.m.
- Teleconference/Zoom
- B. Water Conservation and Education, October 12, 2021, at 1:30 p.m.
- C. Finance and Engineering Workshop, October 18, 2021, at 6:00 pm. –
Teleconference/Zoom

10. Closed Session: (1 Item)

A. CONFERENCE WITH REAL PROPERTY NEGOTIATIONS

Pursuant to Government Code Section 54956.8

Multi-Year Water Transfer – right/supplies – State Water Project

Agency negotiator: Lance Eckhart, General Manager, San Geronio Pass
Water Agency

Negotiating parties: Michael Flood, General Manager, Casitas Municipal
Water District

Under negotiation: price and terms of payment

- The Board came out of closed session at 3:40 p.m.
- The Board reconvened to open session at 3:40 p.m.

Legal Counsel Jeff Ferre stated that the Board conducted closed sessions under Items 10 (A) and there was no reportable action.

11. Adjournment: President Lehtonen adjourned the meeting at 3:42 p.m.

Subject to Board Approval

Lance Eckhart, Secretary of the Board

cms