

# MONTE VISTA IRRIGATION COMPANY

10575 Central Avenue, Montclair, California • (909) 624-0035

Teleconference: (773) 231-9226 Meeting ID 238-267-3925 Password 007304

Video: <https://meetings.ringcentral.com/my/boardmeeting> Password 007304

## **\*AMENDED NOTICE AND AGENDA OF REGULAR BOARD OF DIRECTORS MEETING**

**WEDNESDAY, JULY 13, 2022 • 6:00 P.M.**

Consistent with the provisions in Government Code section 54953(e)(2), the Board of Directors will conduct this meeting by video and teleconference. Interested members of the public may participate in the meeting to observe and/or provide public comment by using the access information listed above.

### **1. Call to Order/Flag Salute/Roll Call**

### **2. Public Comment/Open Forum**

Members of the public may address the Board of Directors on any item that is within the jurisdiction of the Board; however, no action may be taken on any item not appearing on the agenda unless the action is otherwise authorized by Subdivision (b) of Section 54954.2 of the California Government Code. Comments are limited to three (3) minutes per speaker.

### **3. Agenda Changes/Additions**

In accordance with Section 54954.2 of the Government Code (the Brown Act), additions to the agenda require a two-thirds vote of the legislative body, or if less than two-thirds of the members are present, a unanimous vote of those members present. It shall be determined that there is a need to take immediate action and that the need for action came to the attention of the local agency subsequent to the posting of the agenda.

### **4. Resolution 5-22: Re-authorizing Remote Teleconference Meetings**

**Recommendation:** Adopt Resolution 5-22, Re-authorizing Remote Teleconference Meetings Pursuant to Brown Act Provisions.

### **5. Meeting Minutes**

**Meeting Date:** January 26, 2022

**Recommendation:** Approve as presented.

### **6. Statement of Cash Transactions through December 31, 2022**

**Presenter:** Leah Nazaroff, Accounting Manager

**Recommendation:** Approve as presented.

### **7. Budget Adoption Fiscal Year Ending 2023**

**Presenter:** Leah Nazaroff, Accounting Manager

**Recommendation:** Approve as presented.

### **8. Manager Comments**

### **9. Board Comments**

**10. \*Closed Session**

- A. Conference with Legal Counsel – Existing Litigation (Gov. Code §54956.9[d][1])**  
CBMWD v. City of Chino et al. (Superior Court of California, County of San Bernardino, Case Number RCV 51010)

**11. Adjournment**

**DECLARATION OF POSTING**

In accordance with the requirement of California Government Code §54954.2, this agenda has been posted in the display case at the gated entrance to our main office at 10575 Central Avenue, Montclair, California not less than seventy-two (72) hours prior to the meeting date and time above.

Written materials relating to open session agenda items, including those distributed to the majority of the Board of Directors after distribution of this agenda package, are available for public inspection during normal business hours at the District's main office, located at 10575 Central Avenue, Montclair, California.

Pursuant to the Americans with Disabilities Act, persons with a disability who require a disability-related modification or accommodation in order to participate in a meeting may request such modification or accommodation from the District's Board Secretary at (909) 624-0035 or by email at [BoardSecretary@mvwd.org](mailto:BoardSecretary@mvwd.org). Notification forty-eight (48) hours prior to the meeting will enable District staff to make reasonable arrangements to assure accessibility to the meeting.



# Monte Vista Irrigation Company

July 13, 2022

Honorable Board of Directors  
Monte Vista Irrigation Company

**SUBJECT: Resolution 5-22: Re-Authorizing Remote Teleconference Meetings**

**STAFF RECOMMENDATION:**

It is recommended that the Board of Directors adopt Resolution 5-22, Re-Authorizing Remote Teleconference Meetings Pursuant to Brown Act Provisions.

**FINANCIAL IMPACT:**

None.

**BACKGROUND:**

The global community is responding to the spread of a respiratory illness caused by a novel coronavirus first identified in Wuhan, Hubei Province, China, on December 31, 2019. On January 30, 2020, the United Nations World Health Organization (WHO) declared the outbreak a Public Health Emergency of International Concern, and on February 11, 2020 WHO announced an official name for the new disease: “COVID-19” (short for “Coronavirus Disease 2019”). On March 11, 2020, WHO first described COVID-19 as a “pandemic,” or a disease that has spread worldwide.

On March 4, 2020, Governor Newsom proclaimed a State of Emergency to exist in California as a result of the threat of COVID-19. The Governor’s Office and California Department of Public Health have issued a number of executive orders and public health guidance in response to COVID-19, including the modification of Brown Act requirements to allow local governments to hold public meetings remotely by way of teleconference or other electronic means. Monte Vista Water District’s (District) Board of Directors (Board) has held its meetings remotely or with remote access since March 25, 2020.

On September 17, 2021, Governor Newsom signed Assembly Bill (AB) 361, which allows public agencies to meet remotely as they did under Governor’s Executive Orders related to COVID-19. AB 361 requires public agencies to review conditions every 30 days and, if conditions warrant, to take additional action to continue the implementation of AB 361. On January 26, 2022, the Board adopted Resolution 4-22 authorizing remote teleconference meetings pursuant to Brown Act provisions. Pursuant to AB 361, all resolutions, including Resolution 4-22, are valid for only 30 days after its adoption so Resolution 4-22 expired on February 25, 2022.

10575 Central Avenue, Montclair, CA 91763 • (909) 624-0035 • Fax (909) 624-4725

**Sandra S. Rose**  
President

**G. Michael Milhiser**  
Vice President

**Manny Martinez**  
Board Auditor

**Philip L. Erwin**  
Director

**Tony Lopez**  
Director

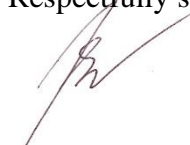
## **Resolution 5-22: Re-Authorizing Remote Teleconference Meetings**

### **DISCUSSION:**

The Governor's State of Emergency proclamation remains in effect, and the California Department of Public Health continues to recommend preventative measures while in indoor public settings.

Tonight, staff recommends that the Board adopt Resolution 5-22, allowing the Board to continue to provide remote access to public meetings of its legislative bodies, in accordance with AB 361. The intent of Resolution 5-22 is to continue to provide remote access to public meetings of its legislative bodies by re-authorizing Resolution 4-22 adopted during the January 26, 2022, meeting of the Board since Resolution 4-22 was valid for 30 days and expired on February 25, 2022.

Respectfully submitted,



Justin M. Scott-Coe  
Manager

**RESOLUTION 5-22**

**RESOLUTION OF THE BOARD OF DIRECTORS  
OF THE MONTE VISTA IRRIGATION COMPANY,  
COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA,  
AUTHORIZING REMOTE TELECONFERENCE MEETINGS  
PURSUANT TO BROWN ACT PROVISIONS**

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**WHEREAS**, the Monte Vista Irrigation Company (“Company”) is committed to preserving and nurturing public access and participation in meetings of the Board of Directors (“Board”); and

**WHEREAS**, all meetings of the Company’s Board are open and public, as required by the Ralph M. Brown Act (California Government Code sections 54950-54963), so that any member of the public may attend, participate, and watch the Company’s Board conduct its business; and

**WHEREAS**, California Government Code section 54953(e) authorizes remote teleconferencing participation in meetings by members of a legislative body without compliance with the requirements of California Government Code section 54953(b)(3), subject to certain conditions; and

**WHEREAS**, a required condition is that a state of emergency is declared by the Governor pursuant to California Government Code section 8625, proclaiming the existence of conditions of disaster or of extreme peril to the safety of persons and property within the state caused by conditions as described in California Government Code section 8558; and

**WHEREAS**, it is further required either that (a) state or local officials have imposed or recommended measures to promote social distancing, or (b) the Company’s Board meeting in-person would present imminent risks to the health and safety of attendees; and

**WHEREAS**, on March 4, 2020, the Governor proclaimed a State of Emergency to exist in California as a result of the threat of COVID-19; and

**WHEREAS**, the California Department of Public Health continues to recommend preventative measures while in indoor public settings; and

**WHEREAS**, the Company Board hereby finds that the Board shall conduct its meetings without compliance with California Government Code section 54953(b)(3), as authorized by section 54953(e), and that the Board shall comply with the requirements to provide the public with access to the meetings as prescribed in section 54953(e)(2); and

**WHEREAS**, the Company has made provisions to ensure safe remote and in-person access to its Board meetings, including telephone and internet access, social distancing, and use of facial coverings; and

**WHEREAS**, the intent of this Resolution is to continue to provide remote access to public meetings of the Company Board by re-authorizing Resolution 4-22 adopted during the scheduled meeting of the Board on January 26, 2022, since Resolution 4-22 was valid for 30 days and expired on February 25, 2022.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Directors of the Monte Vista Irrigation Company as follows:

Section 1. Recitals. The Recitals set forth above are true and correct.

Section 2. Remote Teleconference Meetings. The manager and Company Board are hereby authorized and directed to take all actions necessary to carry out the intent and purpose of this Resolution, including conducting open and public meetings in accordance with California Government Code section 54953(e) and other applicable provisions of the Brown Act.

Section 3. Effective Date of Resolution. This Resolution shall take effect on July 13, 2022, and shall be effective until the earlier of (a) August 12, 2022; or (b) such time the Company Board adopts a subsequent resolution under California Government Code section 54953(e)(3) to extend the time during which the Company Board may continue to teleconference without compliance with section 54953(b)(3).

APPROVED AND ADOPTED this 13<sup>th</sup> day of July 2022.

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Sandra S. Rose  
President of the Board of Directors  
MONTE VISTA IRRIGATION COMPANY

ATTEST:

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Justin M. Scott-Coe  
Secretary to the Board of Directors  
MONTE VISTA IRRIGATION COMPANY

# **BOARD OF DIRECTORS MEETING MINUTES OF THE MONTE VISTA IRRIGATION COMPANY**

**January 26, 2022**

## **DIRECTORS PRESENT**

Sandra Rose, President  
G. Michael Milhiser, Vice President  
Manny Martinez, Board Auditor  
Philip Erwin, Director  
Tony Lopez, Director

## **DIRECTORS ABSENT**

None.

## **STAFF PRESENT**

Justin Scott-Coe, Manager/Secretary  
Andrew Gagen, Legal Counsel  
Stephanie Reimer, Treasurer  
A. William Schwartz, Director of Engineering, Operations, & Maintenance (Monte Vista Water District)  
Betty Conti, Human Resources & Risk Administrator (Monte Vista Water District)  
Kelley Donaldson, Community Affairs Manager (Monte Vista Water District)  
Leah Nazaroff, Accounting Supervisor (Monte Vista Water District)  
Juan Ventura, Customer Service Supervisor (Monte Vista Water District)

## **OTHERS IN ATTENDANCE**

None.

## **ITEM 1: CALL TO ORDER/FLAG SALUTE**

President Rose called the meeting to order at 6:00 p.m.

President Rose led those assembled in the Flag Salute.

## **ROLL CALL**

Legal Counsel Andrew Gagen stated that the Board of Directors (Board) meeting of the Monte Vista Irrigation Company (Company) will be conducted consistent with the provisions in Government Code section 54953(e), as recently amended by Assembly Bill 361, and pursuant to District Resolution. Each director confirmed their attendance and ability to hear the proceedings. Other attendees confirmed they could hear each director. The directors and staff were reminded that any votes taken during the portion of the meeting when Board members or the public are participating remotely must be taken by roll call vote. President Rose provided brief instructions on appropriate conduct during the meeting.

## **ITEM 2: PUBLIC COMMENT/OPEN FORUM**

None.

**ITEM 3: AGENDA CHANGES/ADDITIONS**

Manager Scott-Coe asked the Board to vote on adding item 4 as an emergency item. Mr. Scott-Coe said staff posted a revised agenda package on Wednesday, January 26, 2022. Due to this item being added within seventy-two (72) hours of the Board meeting, Mr. Scott-Coe requested that the Board take formal action by a two-thirds vote to add this item as an emergency item consistent with the Brown Act. Mr. Scott-Coe informed the Board that he was required to make two determinations for the Board’s consideration: 1) that there is an immediate need to take action and 2) that the need arose after the posting of the agenda. Staff and Legal Counsel determined that there was an immediate need to take action if the Board wished to offer the option of remote attendance for Company Board meetings, and staff confirmed they became aware of the need after the posting of the agenda. Mr. Scott-Coe requested a vote of the Board, requiring a two-thirds of the Board, to vote in favor of adding Item 4 to the agenda.

Upon motion by Vice President Milhiser, seconded by Director Erwin, and unanimously carried:

**M22-01-01**

**MOVED:** Approved to vote on adding Item 4, Resolution 4-22, as an emergency item, as by roll call vote:

President Rose	aye
Vice President Milhiser	aye
Board Auditor Martinez	aye
Director Erwin	aye
Director Lopez	aye

**ITEM 4: RESOLUTION 4-22: AUTHORIZING REMOTE MEETINGS**

Manager Scott-Coe presented staff’s recommendation.

Upon motion by Director Lopez, seconded by Board Auditor Martinez, and unanimously carried:

**M22-01-02**

**MOVED:** Adopt Resolution 4-22, authorizing remote teleconference meetings pursuant to Brown Act provisions, as by roll call vote:

President Rose	aye
Vice President Milhiser	aye
Board Auditor Martinez	aye
Director Erwin	aye
Director Lopez	aye

**ITEM 5: MEETING MINUTES**

Upon motion by Vice President Milhiser, seconded by Director Lopez, and unanimously carried:

**M22-01-03**

**MOVED:** Approval of the meeting minutes of July 14, 2021, as by roll call vote:

President Rose	aye
Vice President Milhiser	aye
Board Auditor Martinez	aye
Director Erwin	aye
Director Lopez	aye



**ITEM 6: STATEMENT OF CASH TRANSACTIONS THROUGH DECEMBER 31, 2021**

Accounting Supervisor Leah Nazaroff presented the Statement of Cash Transactions through December 31, 2021.

Upon motion by Director Erwin, seconded by Director Lopez, and unanimously carried:

**M22-01-04**

**MOVED:** Approve the Statement of Cash Transactions through December 31, 2021, as presented, as by roll call vote:

President Rose	aye
Vice President Milhiser	aye
Board Auditor Martinez	aye
Director Erwin	aye
Director Lopez	aye

**ITEM 7: Fiscal Year Ending 2021 Audit for the Monte Vista Irrigation Company**

Accounting Supervisor Leah Nazaroff presented the Fiscal Year Ending 2021 Audit for the Monte Vista Irrigation Company.

Upon motion by Vice President Milhiser, seconded by President Rose, and unanimously carried:

**M22-01-05**

**MOVED:** Approve the Fiscal Year Ending 2021 Audit for the Monte Vista Irrigation Company as presented, as by roll call vote:

President Rose	aye
Vice President Milhiser	aye
Board Auditor Martinez	aye
Director Erwin	aye
Director Lopez	aye

**ITEM 8: OUTSTANDING ACCOUNTS RECEIVABLE FROM MONTE VISTA WATER DISTRICT**

Accounting Supervisor Leah Nazaroff presented the outstanding accounts receivable from Monte Vista Water District.

Upon motion by Director Lopez, seconded by Vice President Milhiser, and unanimously carried:

**M22-01-06**

**MOVED:** Approve the outstanding accounts receivable from Monte Vista Water District, as by roll call vote:

President Rose	aye
Vice President Milhiser	aye
Board Auditor Martinez	aye
Director Erwin	aye
Director Lopez	aye

**ITEM 8: MANAGER’S COMMENTS**

Manager Justin Scott-Coe briefed the Board on issues from the last semi-annual Company meeting in July 2021. Topics covered included an upcoming presentation to the Monte Vista Water District (District) Board of Directors regarding the District’s groundwater storage rights strategy, the Company’s reelection by the Chino Basin Watermaster Appropriative Pool minor producers as one of their representatives on the Advisory Committee, and the appointment of Jim Curatalo by the minor producers to continue representing the Appropriative Pool on the Watermaster Board.

**ITEM 9: BOARD COMMENTS**

Board Auditor Martinez said he was looking forward to the upcoming presentation on groundwater storage rights strategy in order to better understand the Company asset.

Vice President Milhiser expressed interest in acquiring additional assets similar to the Company.

**ITEM 10: ADJOURNMENT**

Upon motion by Vice President Milhiser, seconded by Director Erwin, and unanimously carried:

**M22-01-07**

**MOVED:** Approved to adjourn the meeting, as by roll call vote:

President Rose	aye
Vice President Milhiser	aye
Board Auditor Martinez	aye
Director Erwin	aye
Director Lopez	aye

There being no further business, President Rose adjourned the meeting at 6:26 p.m.

Respectfully submitted,

Justin M. Scott-Coe  
General Manager/Secretary



Check History Listing  
Monte Vista Water District

Bank code: mvicap

Check #	Date	Vendor	Status	Clear/Void Date	Invoice	Inv. Date	Amount Paid	Check Total
1408	07/29/2021	008985 PHILLIP ERWIN	C	08/31/2021	07-2021MVIC	07/14/2021	250.00	250.00
1409	07/29/2021	008986 ANTHONY LOPEZ	C	08/31/2021	07-2021 MVIC	07/14/2021	250.00	250.00
1410	07/29/2021	008987 MANNY MARTINEZ	C	08/31/2021	07-2021 MVIC	07/14/2021	250.00	250.00
1411	07/29/2021	008988 G. MICHAEL MILHISER	C	08/31/2021	07-2021MVIC	07/14/2021	250.00	250.00
1412	07/29/2021	008989 SANDRA ROSE	C	08/31/2021	07-2021 MVIC	07/14/2021	250.00	250.00
1413	12/08/2021	000070 FEDAK & BROWN LLP	C	12/31/2021	113021-F&B MVIC	11/30/2021	815.00	815.00
1414	01/06/2022	000070 FEDAK & BROWN LLP	C	01/31/2022	123121-F&B MVIC	12/24/2021	392.00	392.00
1415	02/10/2022	008985 PHILLIP ERWIN	C	02/28/2022	01-2022 MVIC	01/31/2022	250.00	250.00
1416	02/10/2022	008986 ANTHONY LOPEZ	C	02/28/2022	01-2022 MVIC	01/31/2022	250.00	250.00
1417	02/10/2022	008987 MANNY MARTINEZ	C	02/28/2022	01-2022 MVIC	01/31/2022	250.00	250.00
1418	02/10/2022	008988 G. MICHAEL MILHISER	C	02/28/2022	01-2022 MVIC	01/31/2022	250.00	250.00
1419	02/10/2022	008989 SANDRA ROSE	C	02/28/2022	01-2022 MVIC	01/31/2022	250.00	250.00
1420	02/24/2022	009603 CARDMEMBER SERVICE	C	03/31/2022	6252MVIC	02/10/2022	144.76	144.76
1421	05/19/2022	000070 FEDAK & BROWN LLP			043022-F&B-MVIC	04/30/2022	900.00	900.00
20220525	05/25/2022	008980 HUB INTERNATIONAL INSUR/			051622HUB	05/16/2022	2,056.00	2,056.00
<b>mvicap Total:</b>							<b>6,807.76</b>	<b>6,807.76</b>

15 checks in this report

**Total Checks: 6,807.76**



# Monte Vista Irrigation Company

**Justin Scott-Coe**  
Manager

July 13, 2022

Honorable Board of Directors  
Monte Vista Irrigation Company

**SUBJECT: Fiscal Year Ending 2023 Budget**

**STAFF RECOMMENDATION:**

It is recommended that the Board of Directors review and approve the proposed Fiscal Year Ending 2023 Budget for the Monte Vista Irrigation Company.

**FINANCIAL IMPACT:**

The proposed Fiscal Year Ending 2023 Budget is projected to decrease working capital reserves by \$73,500.

**DISCUSSION**

The proposed Fiscal Year Ending (FYE) 2023 Budget for the Monte Vista Irrigation Company (Company) is presented as a preliminary financial outline for anticipated transactions in the coming year. The proposed operating budget has been developed to be consistent with the Monte Vista Water District's (District) water supply approach for the coming FYE 2023. One of the key components of the District's adopted long-range supply plan is to annually "under-produce" a portion of its Chino Basin production rights, resulting in an increase in water held in storage. For FYE 2023, the District should again be able to meet this strategy without purchasing annual Company production rights. Aside from foregoing the annual transfer and sale of leased water rights to the District, the Company is planning to have minimal transactions in FYE 2023.

**Revenue**

The only source of revenue for FYE 2023 will be monies derived from interest income on funds held by the District in the Local Agency Investment Fund on behalf of the Company. These funds are anticipated to generate revenue of approximately \$900 in FYE 2023.

10575 Central Avenue, Montclair, CA 91763 • (909) 624-0035 • Fax (909) 624-4725

**Sandra S. Rose**  
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Board Auditor

**Philip L. Erwin**  
Director

**Tony Lopez**  
Director

## Expenditures

Anticipated FYE 2023 expenditures total approximately \$74,400, with the majority of these costs reflected in the Company's Chino Basin Watermaster assessments. The \$25,000 in Chino Basin Watermaster assessments is for transactions associated with FYE 2022 activity representing the Company's share of costs for recharge basin improvements and annual administrative assessments.

Administrative expenditures of \$21,300 are forecasted for FYE 2023 and represent the minimal staff time required to handle the general administration functions associated with accounting, disbursements, management, and overall record keeping for the Company. The Company's plant maintenance expenditures are comprised of utility and office equipment maintenance costs and are budgeted at \$19,700 for FYE 2023. Other expenses total \$8,400 and reflect costs associated with an independent annual audit, tax return preparation and filing fees, Board of Directors (Board) fees, and liability insurance.

As we move forward into FYE 2023, staff will keep the Board apprised of both activities and potential strategies that may be advantageous and merit Board discussion as it relates to the Company.

Respectfully submitted,



Leah I. Nazaroff  
Accounting Supervisor



Stephanie A. Reimer  
Treasurer



Justin M. Scott-Coe  
Manager

Attachment

# FYE 2023

## Monte Vista Irrigation Company

### Proposed Budget

#### Revenue

Lease/Purchase of Production Rights	\$0
Investment Income	<u>900</u>
<i>Subtotal</i>	\$900

#### Notes

Based upon no transfer of production rights  
Interest income on investments

#### Expenditures

Watermaster Assessments	25,000	Production Year Assessments
Administration Costs	21,300	Staff, time & material costs
Board of Directors Fees	2,500	Director expenditures
Insurance	2,100	General liability/PO liability/E&O
Accounting and Audit	3,800	Accounting, audit and filing expenditures
Legal	-	Legal expenditures
Plant Maintenance	<u>19,700</u>	Utility power & general plant costs
<i>Subtotal</i>	\$74,400	

**Total Operational Revenue (Deficit)** (\$73,500)

#### **Other Sources (Uses) of Funds**

Transfer to/from MVWD	<u>-</u>
<b>Total Other Sources (Uses) of Funds</b>	<b>\$0</b>

**Increase (Decrease) in Working Capital Reserves** (\$73,500)