

**MINUTES OF THE REGULAR MEETING
OF THE BOARD OF DIRECTORS
OF THE MONTE VISTA WATER DISTRICT**

September 13, 2023

DIRECTORS PRESENT

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

DIRECTORS ABSENT

None.

STAFF PRESENT

Justin Scott-Coe, General Manager
Andrew Gagen, Legal Counsel
Stephanie Reimer, Assistant General Manager/Chief Financial Officer
Bill Schwartz, Director of Engineering, Operations and Maintenance
Betty Conti, Human Resources and Risk Manager
Hilton Saenz, Distribution and Facilities Manager
Juan Ventura, Customer Service and Information Technology Manager
Kelley Donaldson, Community Affairs Manager
Leah Nazaroff, Accounting Manager
Michael Tse, Associate Engineer
Brandi Goodman-Decoud, Executive Assistant II

OTHERS IN ATTENDANCE

Curt Hagman
Mark Panny

ITEM 1: CALL TO ORDER/FLAG SALUTE

President Rose called the meeting to order at 6:34 p.m.

Mr. Andrew Gagen led those assembled in the Flag Salute.

ITEM 2: ROLL CALL

Ms. Brandi Goodman-Decoud called roll and noted all members as present.

ITEM 3: PRESENTATION

A. County of San Bernardino Supervisor Curt Hagman Check Presentation

Supervisor Curt Hagman presented the District with a check funding the Grand Avenue Pipeline Project and the Utility Undergrounding Project.

ITEM 4: PUBLIC COMMENT/OPEN FORUM

There were no public comments.

ITEM 5: AGENDA CHANGES/ADDITIONS

There were no agenda changes or additions.

ITEM 6: CONSENT CALENDAR

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

M23-09-01

MOVED: Approve the Consent Calendar, as by roll call vote:

- A. **Meeting Minutes of August 9, 2023 & August 30, 2023(SP):** Approve as presented.
- B. **Monthly Financial Reports – June 2023:** 1) Accept the Register of Demands for the month ending June 30, 2023; and 2) Approve the Financial Summaries for the month ending June 30, 2023.
- C. **Cafeteria Plan Allowance Adjustment:** 1) Amend the Fiscal Year Ending 2024 Amended Budget to reflect a \$50 monthly Cafeteria Plan adjustment from \$1,900 to \$1,950, effective January 1, 2024; and 2) approve the transfer of \$24,600 from reserves to Administration – Employee Cafeteria Plan increasing the Amended Fiscal Year Ending 2024 Amended Budget from \$1,316,600 to \$1,341,200.
- D. **Ratify Capital Improvement Project Purchase Hewlett Packard DesignJet T2600dr Printer Purchase and Establish Capital Project GN2024-01:** 1) Ratify the General Manager’s approval to proceed with replacement of existing HP DesignJet T110 with an HP DesignJet T2600dr; 2) establish Capital Project GN2024-01 as the District Printer/Plotter Replacement Project; and 3) transfer \$8,000 from reserves to Project GN2024-01.
- E. **Ratify Capital Improvement Project Firehouse Air-Conditioner Replacement and Establish Capital Project GN2024-02:** 1) Ratify the General Manager’s approval to proceed with an urgency project to replace the existing air-conditioning condenser at the firehouse; 2) establish Capital Project GN2024-02 as the Firehouse Air-Conditioner Replacement Project; and 3) Transfer \$13,000 from reserves to Project GN2024-02.
- F. **Rejection and Denial Robert Kasner Claim:** Reject and deny the claim filed by Robert Kasner.
- G. **Contract Amendment No.5 with MWH Constructors to Provide Additional Construction Management and Inspection Services for the I-10 Freeway Widening Project:** Authorize the Board President and General Manager to amend the contract with MWH Constructors by \$10,400 resulting in a total contract not-to-exceed amount of \$481,398 to provide additional construction management and inspection services for the I-10 Freeway Widening Project.
- H. **Fiscal Year Ending 2023 Budget Amendment for Asphalt Replacement:** Amend the Fiscal Year Ending 2023 Amended Budget by transferring \$75,000 from reserves to Distribution – Asphalt Replacement, increasing the budget from \$236,650 to \$311,650.

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

ITEM 7: DISCUSSION AND/OR ACTION ITEMS

A. Conceptual Approval of Proposed Water Rates and Receive and File of Proposition 218 Notice

Mr. Mark Panny, Carollo Engineers, provided a presentation regarding proposed water rates for 2024-2027.

President Rose inquired if irrigation customers are included in Tier 1 and Tier 2 and if that includes commercial meters. Mr. Scott-Coe stated that those customers could be commercial, residential, or other as long as the water is used only for irrigation.

Mr. Panny stated that proposed 2024 rates for a typical District customer would remain below the regional average.

Director Martinez inquired as to the percentage increases across each rate class for demand reduction rates. Mr. Panny stated each percentage increase change for the rate classes in proposed stages 1-4.

Staff stated that the Proposition 218 notice will be provided to the public and the Board once it is finalized.

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

M23-9-02

MOVED: Conceptually approve the Financial Master Plan rate model update and proposed water rates for the coming four-year period, as by roll call vote:

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

B. Enter into an Agreement for Storage of Supplemental Water in the Chino Basin with the Chino Basin Water Conservation District

Mr. Justin Scott-Coe provided a brief report in support of staff's recommendation.

Director Martinez asked legal counsel if there is an issue in regards to contractual liability by being a participant. Mr. Gagen stated that there is a release of liability included in the contract.

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

M23-09-03

MOVED: Authorize the Board President and General Manager to enter into a substantially complete Agreement for Storage of Supplemental Water in the Chino Basin with the Chino Basin Water Conservation District, subject to final revisions and approval by District management and General Counsel, as by roll call vote:

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

C. Notice of Award: Security Services Contract

Mr. Hilton Saenz presented a brief overview of the award of a security services contract and current safety concerns.

Director Martinez stated that this item was reviewed by the Capital Asset Management Committee and recommended for Board approval.

Vice President Milhiser inquired if the security guards provide a written reports for incidents that occur. Mr. Saenz confirmed yes.

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

M23-09-04

MOVED: Authorize the Board President and General Manager to enter into a contract with Power Security Group for a two-year period for a not-to-exceed amount of \$326,400 to provide security services for the main office site; and transfer \$72,000 from reserves to Professional Services, as by roll call vote:

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

D. Enter into Contract Change Order No. 3 to the Construction Agreement with Pacific Hydrotech for the Plant 34 Wellhead Treatment Project

Mr. Michael Tse provided a brief presentation in support of staff's recommendation.

Director Martinez stated that this item was reviewed by the Capital Asset Management Committee and recommended for Board approval.

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

M23-09-05

MOVED: Authorize the General Manager to enter into Contract Change Order No. 3 with Pacific Hydrotech for \$162,909.67 resulting in a total contract not-to-exceed amount of \$3,482,176.20 to provide general contractor services to construct the Plant 34 Wellhead Treatment Project, as by roll call vote:

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

ITEM 8: GENERAL MANAGER'S REPORT

In addition to the written report, Mr. Justin Scott-Coe briefed the Board on issues and activities of the past two weeks. Topics covered included the Certificate for Superior Reporting Award from the California State Water Resources Control Board (SWRCB); various information items included in the agenda packet; recognizing September as National Preparedness Month; staff held a "Shake it Off" tabletop exercise to theorize response planning; attendance at the Urban Water Institute's Annual Water Conference with Vice President Milhiser and the California Special Districts Association's Annual Conference and Exhibitor Showcase; Assembly Constitutional Amendment 13; recent Rancho del Chino Rotary meeting presenters; Assembly Bill 1572 passage; President Rose testifying before the SWRCB regarding the recently released Water Use Efficiency draft regulations; and the October 25 Chino Valley State of the Fire District.

ITEM 9: INFORMATION ITEMS

Information items were included in the agenda packet.

ITEM 10: BOARD COMMENTS (including reports on conferences/meetings attended at District expense)

Vice President Milhiser spoke of his great experience attending the Urban Water Institute Annual Conference.

Director Erwin stated that the Capital Asset Management Committee met to discuss topics that were included on tonight’s agenda.

Director Martinez expressed his appreciation for staff’s ability to foster relationships with local elected officials and stakeholders.

ITEM 11: CLOSED SESSION

President Rose recessed the meeting to closed session at 7:47 p.m. to discuss:

- 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)
- B. **Conference with Legal Counsel – Existing Litigation (Gov. Code §54956.9[d][1])**
City of Chino v. MVWD (SBSC Case No. CIVDS1518055).
- C. **Conference with Legal Counsel – Anticipated Litigation (Gov. Code §54956.9[d][2])**
Number of Potential Cases: One

President Rose reconvened the meeting into open session at 8:00 p.m. Mr. Gagen stated there was no reportable action.


ITEM 12: ADJOURNMENT

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

M23-09-06	
MOVED: Approve to adjourn the meeting, as by roll call vote:	
President Rose	aye
Vice President Milhiser	aye
Board Auditor Lopez	aye
Director Erwin	aye
Director Martinez	aye

There being no further business, President Rose adjourned the meeting at 8:01 p.m.

Respectfully submitted,



Justin M. Scott-Coe
General Manager/Secretary