

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

September 22, 2021

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, General Manager
Kari Volzenilek, Legal Counsel
Stephanie Reimer, Assistant General Manager/Chief Financial Officer
A. William Schwartz, Director of Engineering, Operations, & Maintenance
Betty Conti, Human Resources & Risk Administrator
Kelley Donaldson, Community Affairs Manager
John Hughes, Water Systems Superintendent
Leah Nazaroff, Accounting Supervisor
Juan Ventura, Customer Service & IT Manager
Gabby Garcia, Executive Assistant

OTHERS IN ATTENDANCE

Stephen Parker, Acting City Manager for the City of Upland

ITEM 1: CALL TO ORDER/FLAG SALUTE

President Rose called the meeting to order at 6:30 p.m.

Vice President Milhiser led those assembled in the Flag Salute.

ROLL CALL

Legal Counsel Kari Volzenilek stated that the Board of Directors (Board) meeting of the Monte Vista Water District (District) will be conducted pursuant to Executive Order N-08-21 and sections of the Brown Act unaffected by that Order. 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: PRESENTATION/PUBLIC HEARING

GOVERNMENT FINANCE OFFICERS ASSOCIATION AWARD PRESENTATION

General Manager Justin Scott-Coe introduced Mr. Stephen Parker, who is the Acting City Manager for the City of Upland and a Board Member of the California Society of Municipal Finance Officers.

Mr. Parker presented the Certificate of Achievement of Excellence in Financial Reporting issued by the Government Finance Officers Association to the District for its comprehensive annual financial report for Fiscal Year Ending June 30, 2020. He congratulated the District and thanked the Board.

ITEM 3: PUBLIC COMMENT/OPEN FORUM

None.

ITEM 4: AGENDA CHANGES/ADDITIONS

General Manager Scott-Coe asked the Board to vote on adding item 6A as an emergency item. Mr. Scott-Coe said staff posted a revised agenda package on Monday, September 20, 2021, at approximately 6 p.m. 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 and Section 404 of the District’s Bylaws. 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. The immediate need following posting of the agenda related to Governor Newsom signing Assembly Bill (AB) 361 on September 16, 2021, followed by the Governor signing Executive Order N-15-21 on September 20, 2021, clarifying how AB 361 is to be implemented. Upon staff and legal counsel’s review of the legislation and order, it was determined that there was an immediate need to take action if the Board wished to continue offering the option of remote attendance for Board and committee meetings after September 30, 2021. Mr. Scott-Coe requested a vote of the Board, requiring a two-thirds of the Board, to vote in favor of adding Item 6A to the agenda. Discussion ensued.

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

M21-09-03

MOVED: Approved to vote on adding item 6A Resolution 796-22 as an emergency item with the following amendments to Section 3 of resolution:

1. Replace “immediately upon its adoption” with “on October 1, 2021”
2. Replace “October 22, 2021” with “October 31, 2021”
3. Section 3 will now read as follows:
 3. “This Resolution shall take effect on October 1, 2021 and shall be effective until the earlier of (a) October 31, 2021” or (b) such time the District Board adopts a subsequent resolution, as by roll call vote:

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

ITEM 5: CONSENT CALENDAR

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

M21-09-04

MOVED: Approval of Consent Calendar as by roll call vote:

- A. Meeting minutes of September 8, 2021
- B. Plant 17 (17-2-2) Booster Pump Repair Project

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

ITEM 6: DISCUSSION AND/OR ACTION ITEMS

A. Resolution 796-22: Authorizing Remote Teleconference Meetings Pursuant to Brown Act Provisions

General Manager Justin Scott-Coe provided some background to the Board that the Governor’s Office and California Department of Public Health (CDPH) have issued a number of executive orders and public health guidances 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. Mr. Scott-Coe said with the Governor’s Executive Order N-08-21, the modifications to the Brown Act expire on September 30, 2021. He said on September 17, 2021, Governor Newsom signed AB 361, which allows public agencies to meet remotely as they did under Governor’s Executive Orders related to COVID-19. Mr. Scott-Coe stated that adoption of Resolution 796-22 would provide the District with the flexibility to meet remotely during a declared state of emergency by modifying portions of the Brown Act and in accordance with AB 361, effective on October 1, 2021. AB 361 also requires the Board to review conditions every thirty (30) days and, if conditions warrant, to pass an additional resolution continuing the implementation of AB 361. Mr. Scott-Coe requested that the Board adopt Resolution 796-22 with the following amendments to Section 3 (last paragraph of the resolution): 1) replace “immediately upon its adoption” with “on October 1, 2021,” and 2) replace “October 22, 2021” with “October 31, 2021.” Discussion ensued.

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

M21-09-05

MOVED: Adopted Resolution 796-22, as amended, 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

B. Recognition of Customer Service Week and Water Professionals Appreciation Week

Customer Service & Information Technology Manager Juan Ventura, Community Affairs Manager Kelley Donaldson, and Human Resources & Risk Administrator Betty Conti provided an update to the Board highlighting Customer Service Week and Water Professionals Appreciation Week. They shared proposed activities during the week of October 4 through October 8, 2021. Discussion ensued and the update was received and filed.

C. Association of California Water Agencies Region 9 Board Election for the 2022-2023 Term

General Manager Justin Scott-Coe provided some background to the Board about the Association of California Water Agencies. Mr. Scott-Coe said the election of the positions of ACWA Region 9 are for

chair, vice chair, and board members who will represent and serve the members of Region 9 for the 2022-2023 term. Mr. Scott-Coe said the Board has been provided letters of interest and a resume from candidates received to-date by the District. He concluded that each agency is entitled to cast only one ballot and must have an authorized person sign the ballot before it is returned to ACWA. The ballot must be completed and submitted by September 30, 2021. Discussion ensued.

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

M21-09-06

MOVED: To concur with and vote for ACWA's Region 9 Nominating Committee's recommended slate of candidates proposed by ACWA, as by roll call vote:

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

ITEM 7: GENERAL MANAGER'S REPORT

In addition to his written report, General Manager Justin Scott-Coe briefed the Board on COVID-19 public health crisis as well as issues and activities of the past two weeks.

Mr. Scott-Coe commented on the amazing efforts of the District's Maintenance Department, who during this hottest summer on record has responded to a significant number of leaks, many of which required after-hours work to ensure the safety of District customers. Mr. Scott-Coe said this additional time spent making emergency repairs to the District's system is time often spent away from their families and their own beds – all to ensure the District maintains consistent, reliable, and safe water service.

Mr. Scott-Coe commented that the District's own Utility Service Worker Larry Martinez provided pictures from an event the previous evening recognizing the honored service and ultimate sacrifice of U.S. Lance Corporal Dylan Merola from Alta Loma. He said Larry and his pipe band played on the San Antonio Avenue bridge overpass over the 210 Freeway.

ITEM 8: BOARD COMMITTEE REPORTS

President Rose reported on her and Board Auditor Martinez's attendance at the Public Information Committee and discussions on the following committee agenda items: 1) the proposed increase of the the Bruce J. Lance Jr. scholarship from \$1000 to \$1500; and the upcoming Customer Opinion Survey to be conducted by True North Research.

ITEM 9: BOARD COMMENTS (Reports on Conferences/Meetings Attended at District Expense)

Board Auditor Martinez commented on the excellent work that was performed by the District's Maintenance Department while repairing a service leak.

Director Lopez thanked the District's Maintenance Department, Customer Service Department, and staff for doing a tremendous job, and thanked staff for pictures provided.

Vice President Milhiser commented on his attendance at the Water Facilities Authority Board Meeting. He commented that the recently passed Senate Bill (SB) 9 Housing development could positively affect the District.

ITEM 10: CLOSED SESSION

President Rose recessed the meeting to closed session at 7:20 p.m. to discuss:

A. Conference with Legal Counsel – Existing Litigation (GC §54956.9[d][1])
Case Number RCV 51010: CBMWD v. City of Chino et al.

B. Conference with Legal Counsel – Anticipated Litigation (GC §54956.9[d][4])
Number of Potential Cases: One

President Rose reconvened the meeting into open session at 7:42 p.m. and stated that no reportable action was taken on items 10A or 10B.

ITEM 11: ADJOURNMENT

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

M21-09-07

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 7:44 p.m.

Respectfully submitted,


Justin M. Scott-Coe
General Manager/Secretary