

**MINUTES**  
**REGULAR BOARD MEETING**  
of the  
**WEST VALLEY WATER DISTRICT**  
February 7, 2019

<b>Attendee Name</b>	<b>Present</b>	<b>Absent</b>	<b>Late</b>
Board Members			
Michael Taylor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kyle Crowther	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Donald Olinger	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Clifford Young	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gregory Young	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Legal Counsel			
Robert Tafoya	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Staff			
Clarence Mansell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ricardo Pacheco	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Naisha Davis	<input type="checkbox"/>	<input checked="" type="checkbox"/> Excused	<input type="checkbox"/>
Deborah Martinez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Crystal L. Escalera	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Joanne Chan	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Linda Jadeski	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jon Stephenson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Albert Clinger	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**VISITORS**

June Hayes, San Bernardino Valley Municipal Water District

**OPENING CEREMONIES**

Pledge of Allegiance - Lead by Vice President Kyle Crowther  
Opening Prayer - Lead by Director Don Olinger  
Call to Order  
Roll Call of Board Members

## ADOPT AGENDA

The agenda was adopted by the following vote:

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Kyle Crowther, Vice President
<b>SECONDER:</b>	Gregory Young, Director
<b>AYES:</b>	Michael Taylor, Kyle Crowther, Donald Olinger, Clifford Young, Gregory Young

## PUBLIC PARTICIPATION

Don Griggs and Hardy Brown made comments to the Board of Directors.

## CONSENT CALENDAR

### 1. DECEMBER 20, 2018 REGULAR BOARD MEETING MINUTES

President Dr. Taylor asked for a motion to adopt the Consent Calendar. Before one could be made, Director Dr. Young requested to take Item No. 4 as a separate vote. Director Greg Young then requested to amend his comment in the January 17, 2019 minutes on page 25 of the agenda packet. He requested his comment to be amended to match the same verbiage used in the current agenda for Item No. 11 regarding the State Controller's Audit. He also asked the General Manager to speak briefly to Item No. 5. Funding was inadvertently identified as the "FBR Offices Construction Project" in the staff report received for Item No. 5. Instead, the funding would come from the Zone 7 PRV Lytle Creek Ranch Project. Mr. Mansell spoke briefly to the matter and no further discussion took place. Following these request, Director Greg Young motioned to adopt Items No. 1, 2, Item No. 3 as amended, and Item No. 5. Vice President Kyle Crowther second the motion and the following vote was taken:

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Gregory Young, Director
<b>SECONDER:</b>	Kyle Crowther, Vice President
<b>AYES:</b>	Michael Taylor, Kyle Crowther, Donald Olinger, Clifford Young, Gregory Young

### 2. JANUARY 11, 2019 SPECIAL BOARD MEETING MINUTES

President Dr. Taylor asked for a motion to adopt the Consent Calendar. Before one could be made, Director Dr. Young requested to take Item No. 4 as a separate vote. Director Greg Young then requested to amend his comment in the January 17, 2019 minutes on page 25 of the agenda packet. He requested his comment to be amended to match the same verbiage used in the current agenda for Item No. 11 regarding the State Controller's Audit. He also asked the General Manager to speak briefly to Item No. 5. Funding was inadvertently identified as the "FBR Offices Construction Project" in the staff report received for Item No. 5. Instead, the funding would come from the Zone 7 PRV Lytle Creek Ranch Project. Mr. Mansell spoke briefly to the matter and no further discussion took place. Following these request, Director Greg Young motioned to adopt Items No. 1, 2, Item No. 3 as amended, and Item No. 5. Vice President Kyle Crowther second the motion and the following vote was taken:

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Gregory Young, Director  
**SECONDER:** Kyle Crowther, Vice President  
**AYES:** Michael Taylor, Kyle Crowther, Donald Olinger, Clifford Young, Gregory Young

### 3. JANUARY 17, 2019 REGULAR BOARD MEETING MINUTES

President Dr. Taylor asked for a motion to adopt the Consent Calendar. Before one could be made, Director Dr. Young requested to take Item No. 4 as a separate vote. Director Greg Young then requested to amend his comment in the January 17, 2019 minutes on page 25 of the agenda packet. He requested his comment to be amended to match the same verbiage used in the current agenda for Item No. 11 regarding the State Controller's Audit. He also asked the General Manager to speak briefly to Item No. 5. Funding was inadvertently identified as the "FBR Offices Construction Project" in the staff report received for Item No. 5. Instead, the funding would come from the Zone 7 PRV Lytle Creek Ranch Project. Mr. Mansell spoke briefly to the matter and no further discussion took place. Following these request, Director Greg Young motioned to adopt Items No. 1, 2, Item No. 3 as amended, and Item No. 5. Vice President Kyle Crowther second the motion and the following vote was taken:

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Gregory Young, Director  
**SECONDER:** Kyle Crowther, Vice President  
**AYES:** Michael Taylor, Kyle Crowther, Donald Olinger, Clifford Young, Gregory Young

### 4. APPROVAL OF DECEMBER 2018 PURCHASE ORDER REPORT

President Dr. Taylor motioned to approve Item No. 4, to which Vice President Kyle Crowther second the motion. There was no discussion. The item passed 3-2 by the following vote:

**RESULT:** ADOPTED [3-2]  
**MOVER:** Michael Taylor, President  
**SECONDER:** Kyle Crowther, Vice President  
**AYES:** Michael Taylor, Kyle Crowther, Donald Olinger,  
**NAYES:** Clifford Young, Gregory Young

### 5. CONSIDER TASK ORDER NO. 5 WITH GEOSCIENCE SUPPORT SERVICES INCORPORATED FOR CHARACTERIZATION OF WELL 2

President Dr. Taylor asked for a motion to adopt the Consent Calendar. Before one could be made, Director Dr. Young requested to take Item No. 4 as a separate vote. Director Greg Young then requested to amend his comment in the January 17, 2019 minutes on page 25 of the agenda packet. He requested his comment to be amended to match the same verbiage used in the current agenda for Item No. 11 regarding the State Controller's Audit. He also asked the General Manager to speak briefly to Item No. 5. Funding was inadvertently identified as the "FBR Offices Construction Project" in the staff report received for Item No. 5. Instead, the funding would come from the Zone 7 PRV Lytle Creek Ranch Project. Mr. Mansell spoke briefly to the matter and no further discussion took place. Following these request, Director Greg Young motioned to adopt Items No. 1, 2, Item No. 3 as amended, and Item No. 5. Vice President Kyle Crowther second the motion and the following vote was taken:

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Gregory Young, Director
<b>SECONDER:</b>	Kyle Crowther, Vice President
<b>AYES:</b>	Michael Taylor, Kyle Crowther, Donald Olinger, Clifford Young, Gregory Young

## BUSINESS MATTERS

Vice President Crowther requested to pull Item No. 11 for amendment. Following this request, Director Dr. Young motioned to approve Item No. 7 & 8 and to take the balance of the Business Matters as separate votes. Director Greg Young second the motion and the following vote was taken:

**6. APPROVAL OF PAYMENT TO ALBRIGHT, YEE AND SCHMIT, APC FOR PROFESSIONAL SERVICES RENDERED IN OCTOBER 2018, INVOICE NO. 25512: \$33,794.93**

Director Greg Young motioned to approve Item No. 6 following the approval of Items No. 7 & 8. Vice President Kyle Crowther second the motion with no discussion. The item passed with Director Dr. Young abstaining from the vote.

<b>RESULT:</b>	<b>APPROVED [4 TO 0]</b>
<b>MOVER:</b>	Gregory Young, Director
<b>SECONDER:</b>	Kyle Crowther, Vice President
<b>AYES:</b>	Michael Taylor, Kyle Crowther, Donald Olinger, Gregory Young
<b>ABSTAIN:</b>	Clifford Young

**7. APPROVAL OF PAYMENT TO LEAL TREJO, APC FOR PROFESSIONAL SERVICES RENDERED IN OCTOBER, 2018, INVOICE NO. 17284: \$22,845.18**

Director Dr. Young motioned to approve Item No. 7 & 8. Director Greg Young second the motion to which there was no discussion. The following vote was taken:

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Clifford Young, Director
<b>SECONDER:</b>	Gregory Young, Director
<b>AYES:</b>	Michael Taylor, Kyle Crowther, Donald Olinger, Clifford Young, Gregory Young

**8. APPROVAL OF PAYMENT TO LEAL TREJO, APC FOR PROFESSIONAL SERVICES RENDERED IN NOVEMBER, 2018, INVOICE NO. 17343: \$9,868.50**

Director Dr. Young motioned to approve Item No. 7 & 8. Director Greg Young second the motion to which there was no discussion. The following vote was taken:

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Clifford Young, Director
<b>SECONDER:</b>	Gregory Young, Director
<b>AYES:</b>	Michael Taylor, Kyle Crowther, Donald Olinger, Clifford Young, Gregory Young

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**9. APPROVAL OF PAYMENT TO TAFOYA & GARCIA, LLP FOR PROFESSIONAL SERVICES RENDERED IN OCTOBER 2018, INVOICE NO. 18-1010: \$43,395.64**

Director Greg Young stated he was going to vote against approval of this bill and felt the hours charged did not correctly reflect the work product brought to the Board of Directors. Following his comments, President Dr. Taylor motioned to approve the bill and Vice President Crowther second the motion. Before a vote could be taken, Director Don Olinger asked Director Greg Young which items specifically he was referring to. Discussion then ensued. Director Olinger asked if the work product produced was found to be charged incorrectly, could a refund be given to the district. President Dr. Taylor asked legal counsel to address the concerns expressed by Director Greg Young. Mr. Tafoya commented that the policies in question were billed correctly and cited the work done. Being no further discussion the following vote was taken:

<b>RESULT:</b>	<b>APPROVED [3 TO 2]</b>
<b>MOVER:</b>	Michael Taylor, President
<b>SECONDER:</b>	Kyle Crowther, Vice President
<b>AYES:</b>	Michael Taylor, Kyle Crowther, Donald Olinger
<b>NAYS:</b>	Clifford Young, Gregory Young

**10. APPROVAL OF PAYMENT TO TAFOYA & GARCIA, LLP FOR PROFESSIONAL SERVICES RENDERED IN NOVEMBER 2018, INVOICE NO. 18-1011: \$32,679.10**

President Dr. Taylor motioned to approve this item, second by Vice President Kyle Crowther. The vote passed as follows with Director Dr. Young abstaining:

<b>RESULT:</b>	<b>APPROVED [3 TO 1]</b>
<b>MOVER:</b>	Michael Taylor, President
<b>SECONDER:</b>	Kyle Crowther, Vice President
<b>AYES:</b>	Michael Taylor, Kyle Crowther, Donald Olinger
<b>NAYS:</b>	Gregory Young
<b>ABSTAIN:</b>	Clifford Young

**11. TO SEND A FORMAL REQUEST TO THE STATE CONTROLLER'S OFFICE TO CONDUCT A FULL INDEPENDENT FINANCIAL AUDIT OF ALL FINANCIAL DEALINGS OF THE WEST VALLEY WATER DISTRICT OVER THE PAST TWO YEAR INCLUDING ALL CONTRACTS, ALL CONTRACTORS INCLUDING CONTRACTORS USED BY LEGAL COUNSEL FOR WEST VALLEY WATER DISTRICT BUSINESS.**

President Dr. Taylor opened discussion on this item and suggested that the Board not have the State Auditor's Office conduct an audit and instead to authorize the previous district audit firm to conduct an audit. Director Greg Young disagreed with this suggestion and motioned to pass the item as stated. President Dr. Taylor made an amendment to the motion to pass the item but to use the previous auditors beginning the last day of our last audit, to the current date. Director Greg Young did not accept this amendment and the amendment failed. Director Dr. Young second Director Greg Young's motion. Before a vote could be taken, Director Don Olinger made remarks to the matter and a vote was taken. The motion failed 3-2.

<b>RESULT:</b>	<b>DEFEATED [2 TO 3]</b>
<b>MOVER:</b>	Gregory Young, Director
<b>SECONDER:</b>	Clifford Young, Director
<b>AYES:</b>	Clifford Young, Gregory Young
<b>NAYS:</b>	Michael Taylor, Kyle Crowther, Donald Olinger

**TO SEND A FORMAL REQUEST TO THE STATE CONTROLLER'S OFFICE TO CONDUCT A FULL INDEPENDENT FINANCIAL AUDIT OF ALL FINANCIAL DEALINGS OF THE WEST VALLEY WATER DISTRICT OVER THE PAST TWO YEAR INCLUDING ALL CONTRACTS, ALL CONTRACTORS INCLUDING CONTRACTORS USED BY LEGAL COUNSEL FOR WEST VALLEY WATER DISTRICT BUSINESS.**

President Dr. Michael Taylor motioned to amend Item No. 11 by using the same firm used by the district in our previous audit instead of having the State Controller's Office conduct the audit, conducted an audit beginning the last day of our last audit to the current date, and if any problems were discovered during the audit to refer them at that time to the State Controller's Office. Vice President Kyle Crowther second the motion and discussion ensued regarding the audit and concerns that were raised by the Chief Financial Officer, Naisha Davis. The motion passed 3-0-2 with Directors Dr. Young and Greg Young abstaining from the vote.

<b>RESULT:</b>	<b>APPROVED AS AMENDED [3 TO 0]</b>
<b>MOVER:</b>	Michael Taylor, President
<b>SECONDER:</b>	Kyle Crowther, Vice President
<b>AYES:</b>	Michael Taylor, Kyle Crowther, Donald Olinger
<b>ABSTAIN:</b>	Clifford Young, Gregory Young

**REPORTS - LIMITED TO 5 MINUTES MAXIMUM (Presentations or handouts must be provided to Board Members in advance of the Board Meeting).**

- **Board Members**
  - Director Dr. Young commented on the much needed rain. There were no further reports from the Board of Directors.
- **Legal Counsel**
  - Legal Counsel reported back on a question that was raised during the last meeting regarding whether campaign contributions to elected officials create legal conflicts of interests. Mr. Tafoya said campaign contributions to elected officials did not create a legal conflicts of interests at that meeting and brought back to the Board a case regarding Woodland Hills to support his statement. Mr. Tafoya also notified the Board that he would be preparing a memo with the information he cited for their reference at a later time.
- **General Manager**
  - No report

**INFORMATION**

No report.

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## CLOSED SESSION

Legal Counsel reported on the San Bernardino Valley Municipal Water District, et al., v San Gabriel Valley Company, et al; San Bernardino County Superior Court Case No. CIVDS1311085 that was discussed during Closed Session. The Board voted 5-0 to accept a settlement agreement in the amount of \$3,000,000 in cash, \$3,000,000 in water credits and other terms. Additionally, Director Dr. Young made a motion for the district to pay for a lawyer of his choosing regarding employee complaints however the Board voted 3-2 and was denied. There was no other reportable action taken.

- PUBLIC EMPLOYEE PERFORMANCE EVALUATION Pursuant to Cal. Gov. Code Section 54957 Title(s): General Manager and Board Secretary
- CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(a): San Bernardino Valley Municipal Water District, et al., v San Gabriel Valley Company, et al; San Bernardino County Superior Court Case No. CIVDS1311085 / Fourth District Court of Appeal Division Two, Case No. E063180
- CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Section 54956.9: Number of Cases: Five (5)

## ADJOURN

The meeting adjourned at 7:35 PM.



Dr. Michael Taylor  
President of the Board of Directors  
of West Valley Water District

## ATTEST:



Crystal L. Escalera, Board Secretary

WVWD

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