

MINUTES
REGULAR BOARD MEETING
of the
WEST VALLEY WATER DISTRICT
December 19, 2019

Attendee Name	Present	Excused	Absent
Board of Directors			
Channing Hawkins	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kyle Crowther	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Michael Taylor	<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"/>
Staff			
Clarence Mansell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jeremiah Brosowski	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Crystal L. Escalera	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Deborah Martinez	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Shamindra Manhabal	<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"/>
Naseem Farooqi	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Legal Counsel			
Robert Tafoya	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

OPENING CEREMONIES

Pledge of Allegiance - Led by Vice President Kyle Crowther
Opening Prayer - Led by Pastor Araya, Ministerio International Casa Del Rey
Call to Order
Roll Call of Board Members

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ADOPT AGENDA

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Clifford Young, Director
SECONDER:	Michael Taylor, Director
AYES:	Channing Hawkins, Michael Taylor, Kyle Crowther, Clifford Young, Gregory Young

PRESENTATIONS

- West Valley Water District Children's Fund Toy Drive.

Naseem Farooqi, Public Affairs Manager, presented a brief overview of West Valley Water District's annual Children's Fund, toy drive. The Children's Fund is a non-profit organization based in San Bernardino. Ms. Betty Chambers from the Children's Fund was in attendance and also gave a few remarks to the Board, and thanked those that participated. President Channing also thanked the participants and Union Local 777 for their contribution.

PUBLIC PARTICIPATION

Comments were made to the Board by Dr. Carl Christman, June Hayes (Director, San Bernardino Valley Municipal Water District), Gil Navarro (Director, San Bernardino Valley Municipal Water District), Hardy Brown, Don Griggs, Paul Scott, and Al Voggeler. No further comments were made.

CONSENT CALENDAR

Director Greg Young requested to make a correction to the minutes for Item No. 3. The minutes for December 5, 2019 recorded the vote appointing Channing Hawking's to the Presidency as "3 to 0" however the vote was "4 to 0" with Director Greg Young abstaining. Director Dr. Young then requested to pull Item No. 6 for separate consideration and President Hawkins requested to pull Item No. 8 as a presentation item. Following this discussion President Hawkins then motioned to adopt the Consent Calendar with exception of Item No. 6 and 8, and to make the corrections to the minutes as requested by Director Greg Young. Director Dr. Young second the motion and the following vote was then taken:

RESULT:	ADOPTED WITH AMENDMENT [UNANIMOUS]
MOVER:	Channing Hawkins, President
SECONDER:	Clifford Young, Director
AYES:	Channing Hawkins, Michael Taylor, Kyle Crowther, Clifford Young, Gregory Young

1. NOVEMBER 7, 2019 REGULAR BOARD MEETING MINUTES
2. NOVEMBER 21, 2019 REGULAR MEETING MINUTES
3. DECEMBER 5, 2019 REGULAR MEETING MINUTES
4. OCTOBER 2019 PURCHASE ORDER REPORT

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5. NOVEMBER 2019 PURCHASE ORDER REPORT

7. RECEIVE AND FILE OCTOBER 2019 CASH DISBURSEMENTS REPORT

6. RECEIVE AND FILE MONTHLY FINANCIAL REPORT AS OF OCTOBER 2019

Director Dr. Young requested to take Item No. 6 for separate consideration. He began discussion by inquiring which contract M.V. Cheng was paid under. Mr. Mansell reported that the payment was made for work performed under a one-year contract that since expired in November 2019. A motion was then made by Director Dr. Young to approve the item, seconded by Director Dr. Taylor. The following vote was then recorded:

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Clifford Young, Director
SECONDER:	Michael Taylor, Director
AYES:	Channing Hawkins, Michael Taylor, Kyle Crowther, Clifford Young, Gregory Young

8. SB-998 DISCONTINUATION OF RESIDENTIAL WATER SERVICE: URBAN AND COMMUNITY WATER SYSTEMS. (2017-2018)

Jeremiah Brosowske delivered his staff report to the Board regarding Senate Bill 998. He informed the Board and attendees that rate payers would receive an insert with their monthly billing statements containing information on the new laws, and the information would also be posted to the district website. Director Greg Young motioned to receive and file the report, second by Director Dr. Young.

RESULT:	ADOPTED TO RECEIVE AND FILE [UNANIMOUS]
MOVER:	Greg Young, Director
SECONDER:	Clifford Young, Director
AYES:	Channing Hawkins, Michael Taylor, Kyle Crowther, Clifford Young, Gregory Young

BUSINESS MATTERS

9. ADOPTING RESOLUTION 2019-26 FOR ORGANIZATIONAL IMPROVEMENT AND TRANSPARENCY

Director Dr. Young motioned to move Item No. 9 for approval, and Director Dr. Taylor second the motion. President Hawkins then opened up the item for discussion. He asked the Board Secretary to read the title of the Resolution which reads "A Resolution Of The Board Of Directors Of The West Valley Water District Approving Participation Of The Special District Leadership Platinum Level District Distinction Accreditation To Improve Upon The Areas Of Governance, Board Conduct, Fiscal Responsibility, And Transparency." President Hawkins then made a few comments to the public informing them that he wanted to ensure the public was aware of the steps being taken to continue to make the district transparent. There were no further comments and the following vote was then recorded:

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Clifford Young, Director
SECONDER:	Michael Taylor, Director
AYES:	Channing Hawkins, Michael Taylor, Kyle Crowther, Clifford Young, Gregory Young

10. RESOLUTION 2020-1 APPROVING A TEMPORARY FREEZE ON HIRING DISTRICT PERSONNEL

President Hawkins announced that this item was going to be tabled and ask for a motion to do so. Director Greg Young made the motioned to table the item however Director Dr. Young requested to have the General Manager report out the direction given to him regarding the hiring freeze before a second could be made. This request prompt discussion which then ensued. President Hawkins reminded the Directors that there was a request to speak on this item by Anthony “Butch” Araiza and discussion temporarily stopped. Mr. Araiza came forward at this time for public comments and made his remarks to the Board regarding the item. President Hawkins then announced that the item would be tabled to allow time to refine the verbiage of the resolution. Director Dr. Taylor seconded the motion previously made by Director Greg Young. Director Dr. Young reiterated his request to have the General Manager report out on the direction he was given but being that there was a motion that was properly second on the floor the following vote was taken before the direction could be reported.

RESULT:	TABLED [4 TO 0] Next: 1/16/2020 6:00 PM
MOVER:	Channing Hawkins, President
SECONDER:	Michael Taylor, Director
AYES:	Channing Hawkins, Michael Taylor, Kyle Crowther, Gregory Young
ABSTAIN:	Clifford Young

Following the previous vote, President Hawkins motioned to give direction to the General Manager regarding hiring however the item had already been voted on. Director Greg Young inquired with Legal Counsel if direction could be given to the General Manager since the item was closed. Mr. Tafoya advised the Board that since the item was already voted on the Board would need to vote to bring this item back for the Board to give direction to the General Manager. Director Dr. Taylor then motioned to bring the item back which was second by Director Dr. Young and the following vote was recorded:

- **MOTION TO BRING BACK ITEM NO. 10**

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Michael Taylor, Director
SECONDER:	Clifford Young, Director
AYES:	Channing Hawkins, Michael Taylor, Kyle Crowther, Clifford Young, Gregory Young

After this item was brought back Dr. Young motioned to table the item and to give direction to the General Manager as stated by President Hawkins. The General Manager was instructed as follows: there will be a hiring freeze on all new hires, promotions, transfers as well as pay increases with exception to merit based increases that come as a part of the yearly annual review

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process until the Board is able to address the Resolution and concerns with the Human Resources practices. Additionally, the General Manager can appeal to the Board for critical need items. Director Dr. Taylor second the motion and the motion passed as recorded below.

- **TABLE RESOLUTION 2019-27 APPROVING A TEMPORARY FREEZE ON HIRING DISTRICT PERSONNEL WITH DIRECTION TO THE GENERAL MANAGER**

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Gregory Young, Director
SECONDER:	Channing Hawkins, President
AYES:	Channing Hawkins, Michael Taylor, Kyle Crowther, Clifford Young, Gregory Young

11. A REQUEST FOR QUALIFICATION FOR THE RECRUITMENT OF THE VACANT ASSISTANT GENERAL MANAGER POSITION

President Hawkins opened this item up for discussion. The Board Secretary informed the Board that direction was given to her, to have the item listed on the agenda as “Request for Qualification” rather than “Request for Proposal.” However, due to technical difficulty the change did not save and the error was discovered after the agenda posted. Director Greg Young then commented that he was unsure of what the Board was voting on since there was no staff report to reference. President Hawkins clarified that there had been question on the hiring processes of the past Assistant General Managers and wanted to make the recruitment process transparent to the public. The Directors then engaged in a discussion regarding the current District hiring practices and if an outside firm was needed. Following this discussion Director Dr. Taylor motioned to amend Item No. 11 to “Allow the Board to search for an outside professional firm to conduct a recruitment for the two vacant Assistant General Manager positions for Operation and Engineering, and to have the General Manger bring the firms back to the Board by January 16, 2020.” Director Dr. Young second the motion. The motion passed as follows:

RESULT:	APPROVED AS AMENDED [4 TO 1]
MOVER:	Michael Taylor, Director
SECONDER:	Clifford Young, Director
AYES:	Channing Hawkins, Michael Taylor, Kyle Crowther, Clifford Young
NAYS:	Gregory Young

12. ADOPT RESOLUTION NO. 2019-25, AMENDING SCHEDULE “B” STANDING COMMITTEES AND SCHEDULE “C” OUTSIDE MEETINGS OF ORDINANCE NO. 85, COMPENSATION AND POLICIES RELATED TO BOARD

Director Greg Young began discussion by pointing out a typographical error and the Ordinance being amended is No. 85 not No. 84. His comment was noted by President Hawkins. The Directors then began discussion on the committee assignments and agreed upon the following list with the first name indicating the Chair of the committee:

Executive

Channing Hawkins, President
Kyle Crowther, Vice President

Engineering, Operations and Planning Committee

Greg Young, Director
Kyle Crowther, Vice President

Human Resources

Dr. Michael Taylor, Director
Channing Hawkins, President

Safety and Technology Committee

Dr. Michael Taylor, Director
Kyle Crowther, Vice President

Finance

Dr. Clifford Young, Director
Dr. Michael Taylor, Director

External Affairs

Dr. Clifford Young, Director
Channing Hawkins, President

Bloomington MAC

Greg Young, Director
Kyle Crowther, Vice President
Channing Hawkins, President (Alternate)

San Bernardino Valley Municipal Water District Board Meetings

Dr. Clifford Young, Director
Dr. Michael Taylor, Director (Alternate)

Western Coalition of Arid States

Greg Young, Director
Dr. Clifford Young, Director
Channing Hawkins, President (Alternate)

San Bernardino Valley Municipal Water District Advisory Commission on Water Policy

Dr. Michael Taylor, Director
Channing Hawkins, President (Alternate)

ACWA/JPIA

Channing Hawkins, President
Dr. Michael Taylor, Director
General Manager (Alternate)

West End Water Development Treatment and Conservation Joint Powers Authority

Channing Hawkins, President
Dr. Michael Taylor, Director
Kyle Crowther, Vice President (Alternate)

ACWA

All Directors

Director Greg Young motioned to amend Ordinance 85 to reflect the designated committee members as discussed. Director Dr. Second the motion which passed as follows:

RESULT:	ADOPTED AS AMENDED [UNANIMOUS]
MOVER:	Gregory Young, Director
SECONDER:	Clifford Young, Director
AYES:	Channing Hawkins, Michael Taylor, Kyle Crowther, Clifford Young, Gregory Young

13. ADOPTION OF AY 2020 BOARD OF DIRECTORS AND COMMITTEE/OUTSIDE MEETINGS MASTER CALENDAR

President Hawkins informed the Board the that the calendar being presented can be modified if needed by the newly formed committees. Director Dr. Young then informed the Board that he was unable to attend the Finance Committee Meeting scheduled for December 20, 2019. There was a short discussion which resulted in Director Dr. Young motioning to cancel the December

20, 2019 Finance Committee meeting. Director Dr. Taylor second the motion which passed by the following vote:

- **CANCEL THE FINANCE COMMITTEE MEETING SCHEDULED ON DECEMBER 20, 2019 AT 10:00 A.M.**

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Michael Taylor, Director
SECONDER:	Clifford Young, Director
AYES:	Channing Hawkins, Michael Taylor, Kyle Crowther, Clifford Young, Gregory Young

Following the vote to cancel the Finance Committee meeting, the Board engaged in a short discussion of the meetings calendar. President Hawkins commented that the calendar was being presented to the Board as a response to the public's concern about meetings being cancelled and there not being a regular schedule to reference. Director Greg Young made a substitute motion to table the calendar until the committees were able to confirm regular meeting dates. Director Dr. Taylor second the substitute motion which passed by the following Vote:

RESULT:	TABLED [UNANIMOUS]
MOVER:	Gregory Young, Director
SECONDER:	Michael Taylor, Director
AYES:	Channing Hawkins, Michael Taylor, Kyle Crowther, Clifford Young, Gregory Young

14. CONSIDER PURCHASING A 2-YARD DUMP TRUCK

Joanne Chan, Operations Manager, presented the staff report to the Board of Directors for this item. There was no discussion on this item. Director Dr. Taylor motioned to approve the item, second by Director Greg Young. The item was approved by the following vote:

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Michael Taylor, Director
SECONDER:	Gregory Young, Director
AYES:	Channing Hawkins, Michael Taylor, Kyle Crowther, Clifford Young, Gregory Young

15. CONSIDER NOTICE OF COMPLETION RECORDATION FOR THE CUSTOMER SERVICE FOYER RENOVATION PROJECT

Rosa Gutierrez, Senior Engineer, presented the staff report to the Board of Directors. Director Dr. Taylor motioned to approve this item, seconded by Vice President Kyle Crowther. There was no discussion on this item. The Board of Directors then voted to approve the item as recorded below.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Michael Taylor, Director
SECONDER:	Kyle Crowther, Vice President
AYES:	Channing Hawkins, Michael Taylor, Kyle Crowther, Clifford Young, Gregory Young

16. APPROVAL OF AN AMENDMENT FOR PROFESSIONAL SERVICES WITH MV CHENG & ASSOCIATES INC.

Shamindra “Rickey” Manbahal, Chief Financial Officer, presented the staff report to the Board of Directors and provided a brief history of the work performed by M.V. Cheng at the district. Following his report, President Hawkins posed a few questions concerning the work being performed and district staffing. The Directors then engaged in a lengthy discussion on the matter. Director Dr. Young motioned to issue a Request for Proposal for a local CPA firm to conduct the work necessary for the district following this discussion. Director Greg Young second the motion which failed by the recorded vote below:

- **ISSUE A REQUEST FOR PROPOSAL FOR A LOCAL CERTIFIED PUBLIC ACCOUNTING FIRM TO CONDUCT THE WORK NECESSARY FOR THE DISTRICT**

RESULT:	DEFEATED [2 TO 1]
MOVER:	Clifford Young, Director
SECONDER:	Gregory Young, Director
AYES:	Clifford Young, Gregory Young
NAYS:	Michael Taylor
ABSTAIN:	Channing Hawkins, Kyle Crowther

- **REJECT APPROVAL OF AN AMENDMENT FOR PROFESSIONAL SERVICES WITH MV CHENG & ASSOCIATES INC.**

The timeline for the work to be completed by M.V. Cheng continued to be discussed following the failed motion. Director Greg Young then motioned to table the item however there was no second and the motion failed. Misty Cheng then came forward to answer any questions presented by the Directors. Director Dr. Taylor motioned to approve the items after more concerns were addressed however there was no second and the motion also failed. Director Greg Young then motioned to reject Item No. 16 and clarified that a “Yes” vote indicates the rejection to approve. The motion was seconded by Director Dr. Young and passed.

RESULT:	APPROVED [4 TO 1]
MOVER:	Gregory Young, Director
SECONDER:	Clifford Young, Director
AYES:	Channing Hawkins, Kyle Crowther, Clifford Young, Gregory Young
NAYS:	Michael Taylor

17. INCREASE AMOUNT FOR AEROTEK, INC. FOR TEMPORARY LABOR SERVICES FOR FISCAL YEAR 2019-20

President Hawkins called forward Mr. Anthony “Butch” Araiza to present his public comments to the Board before the item was discussed. Mr. Araiza came forward and made brief remarks. Jeremiah Brosowske then came forward and presented the staff report to the Board and discussion followed regarding the proposed contract and the recent direction given to the General Manager regarding hiring. Director Greg Young then motioned to reject the contract and again clarified that a “Yes” vote would indicate a rejection to approve the item. Director Dr. Young seconded the motion and the Board continued further discussion. After the discussion was fully exhausted the following vote was taken to reject the contract:

- **REJECT APPROVAL TO INCREASE AMOUNT FOR AEROTEK, INC. FOR TEMPORARY LABOR SERVICES FOR FISCAL YEAR 2019-20**

RESULT:	APPROVED [5 TO 0]
MOVER:	Gregory Young, Director
SECONDER:	Clifford Young, Director
AYES:	Channing Hawkins, Michael Taylor, Kyle Crowther, Clifford Young, Gregory Young

18. CIP BUDGET AMENDMENT TO FACILITATE ADDITIONAL MAXIMO USER LICENSING AND HOSTING SERVICES

President Hawkins commented that the item being presented would be better congruent to table to a later date when the Board could thoroughly ask questions. The Directors then discussed a date to hold a Special Meeting to review this contract along with related Item No. 19. Director Greg Young then made one motioned to table Items No. 18 and 19 to the Special Meeting on January 9, 2020. Director Dr. Young second the motion which passed by the following vote:

RESULT:	TABLED [UNANIMOUS] Next: 1/09/2020 6:00 PM
MOVER:	Gregory Young, Director
SECONDER:	Clifford Young, Director
AYES:	Channing Hawkins, Michael Taylor, Kyle Crowther, Clifford Young, Gregory Young

19. CONSIDER A CIP BUDGET AND CONTRACT AMENDMENTS TO IMPLEMENT A COMPUTERIZED MAINTENANCE MANAGEMENT SYSTEM (CMMS) UTILIZING MAXIMO SOFTWARE

Director Greg Young made one motion to table Items No. 18 and 19 to the Special Meeting scheduled on January 9, 2020. Director Dr. Young second the motion and the following vote was taken:

RESULT:	TABLED [UNANIMOUS] Next: 1/16/2020 6:00 PM
MOVER:	Gregory Young, Director
SECONDER:	Clifford Young, Director
AYES:	Channing Hawkins, Michael Taylor, Kyle Crowther, Clifford Young, Gregory Young

20. APPROVAL OF PAYMENT TO LEAL TREJO FOR PROFESSIONAL SERVICES RENDERED JUNE 2019 THROUGH NOVEMBER 2019. JUNE 2019, INVOICE NO. 17648: \$44,344.94; JULY, 2019, INVOICE NO. 17686: \$41,717.50; INVOICE NO. 17685: \$1,581.34; JUNE 2019, INVOICE NO. 17656: \$10,320.00; JULY 2019, INVOICE NO. 17684: \$5,220.00; AUGUST 2019, INVOICE NO. 17718: \$16,043.89; SEPTEMBER 2019, INVOICE NO. 17717: \$15,000.00; AUGUST 2019, INVOICE NO. 17716: \$8,156.00; SEPTEMBER 2019, INVOICE NO. 17765: \$28,500.00; SEPTEMBER 2019, INVOICE NO. 17763: \$9,390.00; NOVEMBER 2019, INVOICE NO. 17764: \$942.00; OCTOBER 2019, INVOICE NO. 17796: \$20,282.50; OCTOBER 2019, INVOICE NO. 17794: \$1,760.00; NOVEMBER 2019, INVOICE NO. 17795: \$657.15; OCTOBER 2019, INVOICE NO. 17796: \$20,282.00

Director Dr. Young announced that he could not participate in discussion before the Directors engaged in conversation. President Hawkins then inquired with Legal Counsel on the general nature of the invoices being presented. Mr. Tafoya briefly explained the nature of each invoice to which President Hawkins commented on the cost incurred and discussion ensued. President Hawkins then motioned to pay Invoice No. 17656, 17684, 17716, 17763, and 17794 which were identified as being related to closed investigations only. Vice President Kyle Crowther second the motion and the following vote was recorded with Director Greg Young and Director Dr. Young abstaining from the vote:

- **AMENDED - APPROVAL OF PAYMENT TO LEAL TREJO FOR PROFESSIONAL SERVICES RENDERED JUNE 2019 THROUGH NOVEMBER 2019. JUNE 2019, INVOICE NO. 17656: \$10,320.00; JULY 2019, INVOICE NO. 17684: \$5,220.00; AUGUST 2019, INVOICE NO. 17716: \$8,156.00; SEPTEMBER 2019, INVOICE NO. 17763: \$9,390.00; OCTOBER 2019, INVOICE NO. 17794: \$1,760.00**

RESULT:	ADOPTED AS AMENDED [3 TO 0]
MOVER:	Channing Hawkins, President
SECONDER:	Kyle Crowther, Vice President
AYES:	Channing Hawkins, Michael Taylor, Kyle Crowther
ABSTAIN:	Clifford Young, Gregory Young

21. APPROVAL OF PAYMENT TO ALBRIGHT, YEE & SCHMIT, APC FOR PROFESSIONAL SERVICES RENDERED MARCH 2019 THROUGH OCTOBER 2019. AUGUST 2019, INVOICE NO. 26102: \$34,892.51; SEPTEMBER 2019, INVOICE NO. 26105: \$36,712.83; OCTOBER 2019, INVOICE NO. 26107: \$25,875.00; MARCH 2019, INVOICE NO. 25749: \$2,448.92; AUGUST 2019, INVOICE NO. 26101: \$14,628.97; SEPTEMBER 2019, INVOICE NO. 26104: \$21,246.44; OCTOBER 2019, INVOICE NO. 26106: \$6,990.00; AUGUST 2019, INVOICE NO. 26103: \$25,942.50

President Hawkins began discussion by inquiring with legal counsel on the nature of the invoices. Mr. Tafoya informed President Hawkins that the invoices pertained to open litigation,

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closed litigation, and investigations. President Hawkins then made a few remarks on the cost of the legal fees. No other comments were made. President Hawkins then motioned to approve payment, seconded by Director Dr. Taylor. The following vote was then taken with Director Greg Young abstaining from the vote:

RESULT:	APPROVED [3 TO 1]
MOVER:	Channing Hawkins, President
SECONDER:	Michael Taylor, Director
AYES:	Channing Hawkins, Michael Taylor, Kyle Crowther
NAYS:	Clifford Young
ABSTAIN:	Gregory Young

22. APPROVAL OF PAYMENT TO THE KAUFMAN LAW FIRM FOR PROFESSIONAL SERVICES RENDERED IN OCTOBER 2018, INVOICE NO. 10130: \$24,430.00 AND JANUARY 2018, INVOICE NO. 10140: \$69,120.75

President Hawkins opened discussion for approval of this item. Director Greg Young raised concern of the date of the invoices and delay in requesting payment and discussion ensued. Director Greg Young then motioned to table this item to the January 16, 2020 meeting and to have Mr. Kauffman explain the delay in billing. Director Dr. Taylor second the motion and the following vote was taken:

RESULT:	TABLED [UNANIMOUS] Next: 1/16/2020 6:00 PM
MOVER:	Gregory Young, Director
SECONDER:	Michael Taylor, Director
AYES:	Channing Hawkins, Michael Taylor, Kyle Crowther, Clifford Young, Gregory Young

23. APPROVAL OF PAYMENT TO TAFOYA & GARCIA, LLP FOR PROFESSIONAL SERVICES RENDERED IN NOVEMBER 2019, INVOICE NO. 19-1011: \$10,045.70

President Hawkins opened this item for discussion to which there was none. Vice President Crowther motioned to approve this item which was seconded by Director Dr. Taylor. The motioned passed by the following vote:

RESULT:	APPROVED [4 TO 1]
MOVER:	Kyle Crowther, Vice President
SECONDER:	Michael Taylor, Director
AYES:	Channing Hawkins, Michael Taylor, Kyle Crowther, Gregory Young
NAYS:	Clifford Young

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

- **Board Members**

- **President Channing Hawkins:** Briefly commented on his commitment to transparency and accountability. Then gave three directives to the General manager, staff and Chief Financial Officer. He began by informing the attendees and public that there had been concern expressed over contracts that were entered by the General Manager that the Board has not had an opportunity to review. As a result,

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President Hawkins called a Special Meeting on January 9, 2020 for the Board to review these contracts. His first direction was to the General Manager and District Managers to refrain from engaging in any further contracts unless they have first been sent to the Board President for review and approval. The request must include the nature of the services being sought, why the district needs the services and the cost of the contract being requested. President Hawkins reaffirmed that the directive was only a temporary measure until policies were able to be implemented and that the directive will also give an opportunity to the Board to understand the needs of the district. His second directive was for the General Manager and CFO to continue working with the Pun Group to implement the recommendations from the audit. Lastly, President Hawkins directed the Acting Human Resources/Risk Manager to prepare a report for the next Human Resources Committee Meeting regarding the implementation of recommendations outlined in a 2016 memorandum of Human Resources practices. President Hawkins also informed the public and attendees that the January 2, 2020 Board meeting had been cancelled and called their attention to the calendar in the agenda.

President Hawkins made additional remarks following the other Directors comments. He addressed the employees and reassured them that no retaliation would be tolerated based on the recent issues that were brought forward. The Board Secretary then reminded President Hawkins that he was going to give direction to the General Manager regarding Item No. 11. President Hawkins then gave direction to Mr. Mansell to issue a request for qualifications for firms to conduct a recruitment for the vacant Assistant General Manger positions. Mr. Mansell is to present his findings to the Board at the next regular meeting.

- **Vice President Crowther:** Thanked the public who were viewing the meeting online and the attendees. He thanked the staff for their commitment to the district and raising concern to issues they may find problematic. He wished everyone a Merry Christmas and a safe New Years.
- **Director Greg Young:** Also thanked the employees for attending and expressed his appreciation of the work they do. He briefly commented on a letter that had been sent out by the staff and his feeling of a need for change. He also wished everyone a Merry Christmas and a Happy New Year.
- **Director Dr. Young:** Commented on recent events being brought to his attention. Based on these concerns he then requested to have the General Manager reviewed during Closed Session at the next Regular Board of Directors meeting (January 16, 2020). Director Dr. Young also requested to review General Counsel at the same meeting during Closed Session. He commented that it's been a shame to be informed of issues at the district via the newspaper and felt it was time to deal with the difficult issues at hand. He thanked the employees for their attendance and asked that they continue their communication with the Directors. Director Dr. Young also wished everyone a Merry Christmas and Happy New Year.
- **Director Dr. Taylor:** Wished everyone a Merry Christmas and a Happy New Year. Director Dr. Taylor then complimented President Hawkins on his conducting of the

meeting. He also thanked the executive staff for the work they put into the district and legal counsel for his services.

- **Legal Counsel**
 - There was no final action taken during Closed Session to report on. Following the General Manager and Assistant General Managers comments, Mr. Tafoya commented on statements made by Director Dr. Young during the meeting and asked that the Board address these issues.
- **General Manager and Staff**
 - **General Manager:** No report.
- **Assistant General Manager:**
 - Jeremiah Brosowske thanked the IT staff, Public Affairs and himself for getting the livestream operational for the meeting. President Hawkins also chimed in and thanked the staff for quickly responding to his request.

FUTURE BUSINESS ITEMS


There were no items discussed.

CLOSED SESSION

Mr. Tafoya announced that there was no final action taken during closed session. This concluded his report.

- **ANTICIPATED LITIGATION** Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Section 54956.9: Number of Cases: Seven (7)
- **CONFERENCE WITH LEGAL COUNSEL -EXISTING LITIGATION** Pursuant to Paragraph (1) of subdivision (d) of Government Code Section 54956.9 Case Name: Clifford Young, Patricia Romero, Naisha Davis, West Valley Water District v. Tafoya and Garcia, et al. Case No.: 19STCV05677

ADJOURN



Channing Hawkins
President of the Board of Directors
of West Valley Water District

ATTEST:



Crystal L. Escalera, Board Secretary

WVWD

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Exhibit A

West Valley Water District
Investment Policy Analysts
September 30, 2019

U.S. Bank - Chandler Asset Management	
Money Market	43,712.60 A
Commercial Paper	- A
Federal Agency Obligations	6,047,744.85 A
U.S. Government	3,014,767.50 A
Corporate Bonds	3,096,259.23 A
Supranational	500,565.00 A
Negotiable CD	- A
Total U.S. Bank - Chandler Asset Management Funds	12,703,049.18 A

Checking and Savings	
Bank of Hope	- B
Chase-1653 (Operating Account)	6,001,640.85 B
Chase-1368	289,183.60 B
Chase-1392	48,696.50 B
Chase-5993 (Rebate Account)	- B
Total Checking and Savings	6,339,460.95 B

CAITRUST Short Term Fund	15,428,842.40 A
CAITRUST Medium Term Fund	10,550,213.86 A
LAIF	16,288,196.91 A
District Cash Drawers	4,300.00 C
2016A Bond - Principal & Payment Funds	286.49 B
2016A Bond - Interest Fund	230.77 B
Total September 30, 2019 District Funds	61,314,580.56 B

The balances indicated above are as of September 30, 2019

Balances verified with monthly investment statements provided by client
Balances verified with monthly bank statements provided by client
Balances verified with monthly reconciliations provided by client

The purpose of this report is to calculate the asset class percentage in comparison with the maximum portfolio percentage allowed by the district's investment policy

Based on our review of the asset classes as of 09/30/2019, West Valley Water District is in compliance with its investment policy

Security Type	Maximum per Investment Policy	Balance
Commercial Paper	25%	-
Federal Agency Obligations	30%	6,047,744.85
U.S. Government	No Limit	3,014,767.50
LAIF	No Limit	16,288,196.91
CAITRUST	No Limit	25,979,056.26
Negotiable CD	30%	-
Medium Term Notes (Corporate Bonds)	30%	3,096,259.23
Money Market	20%	43,712.60
Bank Deposits	No Limit	6,343,760.95
Supranational	30%	500,565.00
Funds Excluded from Policy	2016A	517.26
Total September 30, 2019 District Funds		61,314,580.56

Asset Class	September 2019 (% of Total Investments)	Maximum Portfolio (%)
Commercial Paper	0.0%	25%
Federal Agency Obligations	9.9%	30%
U.S. Government	4.9%	No Limit
LAIF	26.6%	No Limit
CAITRUST	42.4%	No Limit
Negotiable CD	0.0%	30%
Medium Term Notes (Corporate Bonds)	5.0%	30%
Money Market	0.07%	20%
Bank Deposits	10.3%	No Limit
Supranational	0.8%	30%

Exhibit B



Municipal Staffing Agreement

GOVERNMENT STAFFING SERVICES, INC., dba **MuniTemp's**, with principal office located at 14241 E. Firestone Blvd, Suite 400, La Mirada, CA 90638. Our corporate correspondence **Mailing Address is PO Box 718, Imperial Beach, CA 91933** ("STAFFING FIRM"), and the **WEST VALLEY WATER DISTRICT**, with its principal municipal office located at **855 W. Base Line Road, Rialto, CA 92376** ("DISTRICT") agree to the terms and conditions set forth in this Municipal Staffing Agreement (the "Agreement").

STAFFING FIRM's Duties and Responsibilities

1. STAFFING FIRM is an independent contracting firm with its own employees and will:
 - a. Recruit, screen, interview, and assign its own employees ("Assigned Employees") to perform the type of work described on **Exhibit A** under DISTRICT's supervision at the locations specified on **Exhibit A**;
 - b. Pay Assigned Employees' wages every two weeks and provide them with the benefits that STAFFING FIRM offers to them;
 - c. Pay, withhold, and transmit payroll taxes; provide unemployment insurance and workers' compensation benefits; and handle unemployment and workers' compensation claims involving Assigned Employees;

DISTRICT's Duties and Responsibilities

2. DISTRICT will:
 - a. Properly supervise Assigned Employees performing its work and be responsible for its business operations, products, services, and intellectual property;
 - b. Properly supervise, control, and safeguard its premises, processes, or systems, and not permit STAFFING FIRM employees to operate any vehicle or mobile equipment (unless authorized under section 2.f. below), or entrust them with unattended premises, cash, checks, keys, credit cards, merchandise, confidential or trade secret information, negotiable instruments, or other valuables without STAFFING FIRM's express prior written approval or as strictly required by the job description provided to STAFFING FIRM;
 - c. Provide Assigned Employees with a safe work site and provide appropriate safety information, training, and safety equipment with respect to any hazardous substances or conditions to which they may be exposed at the work site;
 - d. Not change Assigned Employees' job duties without STAFFING FIRM's express advance written approval; and

- e. Exclude Assigned Employees from DISTRICT's benefit plans, policies, and practices, and not make any offer or promise relating to Assigned Employees' compensation or benefits without the advance written approval of STAFFING FIRM.
- f. DISTRICT is authorized to direct STAFFING FIRM's employees to drive DISTRICT vehicles and equipment if DISTRICT assumes liability for STAFFING FIRM's employees under DISTRICT's auto insurance policy and names STAFFING FIRM as "additionally insured".

Payment Terms, Bill Rates, and Delinquent Invoice Charges

3. DISTRICT will direct its Accounts Payable staff to pay STAFFING FIRM invoices every two weeks upon receipt when supported by an approved bi-weekly timesheet or email certification of hours worked, signed by authorized DISTRICT staff, at the hourly bill rates set forth on the **Exhibit A** attached to this Agreement. STAFFING FIRM shall email invoices to DISTRICT for services provided under this Agreement on a **Bi-Weekly** basis. DISTRICT shall sign STAFFING FIRM timesheets every other Friday by 6pm, as shown in **Exhibit B**, to allow STAFFING FIRM employees to be paid timely every two weeks. **DISTRICT agrees to pay a LATE FEE of 10% of the invoice due on the 31st day following the date of the invoice.**
4. STAFFING FIRM shall email invoices and supporting timesheets directly to the DISTRICT's Accounts Payable office with a copy sent to other District Departments if so directed by the DISTRICT, however, **DISTRICT shall NOT allow Accounts Payable or any District Department to delay payment of STAFFING FIRM invoices when said invoices are supported by a signed bi-weekly timesheet or email certification of hours worked.**
5. STAFFING FIRM may assign two classes of Employees to the DISTRICT: (1) **Salary**, which are employees exempt from overtime pay, and (2) **Non-Salary**, which must be paid overtime and or double time pay, depending on the work schedule STAFFING FIRM employee is assigned to work at the DISTRICT. The Bi-Weekly invoice for Salary employees is billed at a flat rate as approved in the attached **Exhibit "A"**. The Bi-Weekly invoice for Non-Salary employees is billed at an hourly rate as shown in the attached **Exhibit "A"**. The hourly bill rate for Non-Salary employees will be **billed at premium bill rates only if DISTRICT directs STAFFING FIRM employees to work "outside" the work schedule approved in advance by DISTRICT and STAFFING FIRM**, which would trigger the overtime or double time hours at the premium bill rates approved by DISTRICT in advance in the attached **Exhibit "A"**.

Confidential Information

6. Both parties may receive information that is proprietary to or confidential to the other party or its affiliated companies and their DISTRICTs. Both parties agree to hold such information in strict confidence and not to disclose such information to third parties or to use such information for any purpose whatsoever other than performing under this Agreement or as required by law. No knowledge, possession, or use of DISTRICT's confidential information will be imputed to STAFFING FIRM as a result of Assigned Employees' access to such information.

Cooperation

7. The parties agree to cooperate fully and to provide assistance to the other party in the investigation and resolution of any complaints, claims, actions, or proceedings that may be brought by or that may involve Assigned Employees.

Indemnification and Limitation of Liability

8. To the extent permitted by law, STAFFING FIRM will defend, indemnify, and hold DISTRICT and its directors, officers, agents, representatives, and employees harmless from all claims, losses, and liabilities (including reasonable attorneys' fees) to the extent caused by STAFFING FIRM's breach of this Agreement; its failure to discharge its duties and responsibilities set forth in paragraph 1; or the negligence, gross negligence, or willful misconduct of STAFFING FIRM or STAFFING FIRM's officers, employees, or authorized agents in the discharge of those duties and responsibilities.
9. To the extent permitted by law, DISTRICT will defend, indemnify, and hold STAFFING FIRM and its parent, subsidiaries, directors, officers, agents, representatives, and employees harmless from all claims, losses, and liabilities (including reasonable attorneys' fees) to the extent caused by DISTRICT's breach of this Agreement; its failure to discharge its duties and responsibilities set forth in paragraph 2; or the negligence, gross negligence, or willful misconduct of DISTRICT or DISTRICT's officers, employees, or authorized agents in the discharge of those duties and responsibilities.
10. Neither party shall be liable for or be required to indemnify the other party for any incidental, consequential, exemplary, special, punitive, or lost profit damages that arise in connection with this Agreement, regardless of the form of action (whether in contract, tort, negligence, strict liability, or otherwise) and regardless of how characterized, even if such party has been advised of the possibility of such damages.
11. As a condition precedent to indemnification, the party seeking indemnification will inform the other party within 15 business days after it receives notice of any claim, loss, liability, or demand for which it seeks indemnification from the other party; and the party seeking indemnification will cooperate in the investigation and defense of any such matter.
12. The provisions in paragraphs 8 through 12 of this Agreement constitute the complete agreement between the parties with respect to indemnification, and each party waives its right to assert any common-law indemnification or contribution claim against the other party.

Miscellaneous

13. Notwithstanding any other provision of this Agreement to the contrary, the provisions of paragraphs 8 - 12 shall remain effective after termination or renewal of this Agreement.
14. No provision of this Agreement may be amended or waived unless agreed to in a writing signed by the parties.
15. Each provision of this Agreement will be considered severable, such that if any one provision or clause conflicts with existing or future applicable law or may not be given full effect because of such law, no other provision that can operate without the conflicting provision or clause will be affected.
16. This Agreement and the exhibits attached to it contain the entire understanding between the parties and supersede all prior agreements and understandings relating to the subject matter of the Agreement.
17. The provisions of this Agreement will inure to the benefit of and be binding on the parties and their respective representatives, successors, and assigns.



- 18. The failure of a party to enforce the provisions of this Agreement will not be a waiver of any provision or the right of such party thereafter to enforce each and every provision of this Agreement.
- 19. DISTRICT will not transfer or assign this Agreement without STAFFING FIRM's written consent.
- 20. Any notice or other communication will be deemed to be properly given only when sent via the United States Postal Service or a nationally recognized courier, addressed as shown on the first page of this Agreement.
- 21. Neither party will be responsible for failure or delay in performance of this Agreement if the failure or delay is due to labor disputes, strikes, fire, riot, war, terrorism, acts of God, or any other causes beyond the control of the nonperforming party.
- 22. The provisions of this agreement shall be entered into according to the laws of the State of California.

Term of Agreement

- 23. This Agreement shall remain valid until terminated by either party upon **30 days** written notice. The **Exhibit "A"** can be terminated upon **30 days** written notice.

Authorized representatives of the parties have executed this Agreement below to express the parties' agreement to its terms.

WEST VALLEY WATER DISTRICT

GOVERNMENT STAFFING SERVICES, INC.

Signature

Signature

John Herrera, CPA

Printed Name

Printed Name

President / CEO

Title

Title

01/16/2020

Date

Date



Corporate Mailing Address: PO Box 718, Imperial Beach, CA 91933
 Phone: 1-866-406-6864 • Fax: 1-866-498-6678
 Website: www.munitemps.com

Municipality:	West Valley Water District	Notes
Client Contact:	Robert Tafoya	District Counsel
Interim Position:	HR & Risk Manager	Martin Pinon
Class of Assignment:	Non-Salary (Hourly)	Non-Salary (Hourly) Assignments May Be Subject To Overtime Bill Rates as explained below.
Bill Rate per Hour:	\$125	
Hours per Week:	40	
Work Schedule:	Regular Schedule	Monday through Friday, 8:00AM to 5:30PM
Start Date:	1/16/2020	
Expected Duration:	6 Months	Termination Only "For Cause" with 30 Day Notice

PROPER SUPERVISION

District will properly supervise MuniTemp employee(s) performing its work and be responsible for its business operations, services, and intellectual property. District will also properly supervise, control, and safeguard its premises, processes, or systems, and not permit MuniTemp employees to operate any vehicle or mobile equipment unless approved by MuniTemp in writing.

JOB DESCRIPTION

Responsible for managing all phases of the personnel and risk management programs, including recruitment and selection, position classification, compensation, employee and labor relations, employee development, employee benefits, workers' compensation and liability. Directs the work of professional, administrative and support staff and exercises considerable independent judgment and discretion in the performance of duties

OVERTIME / DOUBLETIME BILL RATES

Unless approved in advance in writing, District will NOT allow MuniTemp employees to work hours outside the above stated work schedule as this will trigger overtime or doubletime bill rates. The hourly bill rate will be billed at 150% for any overtime hours and 200% for doubletime hours worked by MuniTemp employees. District agrees to pay for any overtime or doubletime hours as requested and pre-approved by the District and verified on the signed timesheets.

DIRECT HIRE / CONVERSION FEE OF MUNITEMPS ASSOCIATES

District may hire MuniTemp associate (Martin Pinon) "directly" as Employee or as Independent contractor, or "indirectly" through a third party upon paying a direct hire / conversion fee as follows:

- (1) If MuniTemp associate has worked a "minimum of 980 hours on this assignment at District (per this Exhibit A), District shall pay a direct hire / conversion fee equal to 9% of the annualized hourly pay rate (pay rate x 2,080) offered by District to MuniTemp associate.
- (2) If MuniTemp associate has worked "less than 980 hours on this assignment at District (per this Exhibit A), District shall pay a direct hire / conversion fee equal to 18% of the annualized hourly pay rate (pay rate x 2,080) offered by District to MuniTemp associate.

INVOICING & TIMESHEET APPROVER: District shall fill out the information below for District representative who will sign the bi-weekly timesheet.

Note: A/P is primary contact to receive vendor invoices to pay MuniTemp invoices when accompanied by signed timesheet.

Name: _____ Title: _____
 Email: _____

Authorized Signature: _____ District Representative _____ Date _____