



WEST VALLEY WATER DISTRICT
855 W. BASE LINE ROAD, RIALTO, CA 92376
PH: (909) 875-1804 FAX: (909) 875-1849

REGULAR BOARD MEETING
AGENDA

THURSDAY, AUGUST 18, 2022
CLOSED SESSION - 6:00 PM • OPEN SESSION – 6:45 PM

BOARD OF DIRECTORS

Channing Hawkins, President
Greg Young, Vice President
Angela Garcia, Director
Dan Jenkins, Director
Kelvin Moore, Director

"In order to comply with legal requirements for posting of agendas, only those items filed with the District Secretary's office by noon, on Wednesday a week prior to the following Thursday meeting, not requiring departmental investigation, will be considered by the Board of Directors."

On March 4, 2020, Governor Newsom declared a State of Emergency resulting from the threat of COVID-19. On September 16, 2021, Governor Newsom signed Assembly Bill No. 361 into law. Assembly Bill No. 361 amends Government Code section 54953(e) by adding provisions for remote teleconferencing participation in meetings by members of a legislative body, without the requirements of Government Code section 54953(b)(3), subject to the existence of certain conditions. The West Valley Water District adopted a resolution determining, by majority vote, that, as a result of the declared State of Emergency, the District is adopting the State protocol which allows meetings in person and/or via teleconference. Accordingly, it has been determined that all Board and Workshop meetings of the West Valley Water District will be held pursuant to Assembly Bill No. 361, the Brown Act and will be conducted via teleconference and in person. Members of the public may listen and provide public comment via telephone by calling the following number and access code: Dial: (888) 475-4499, Access Code: 840-293-7790 or you may join the meeting using Zoom by clicking this link: <https://us02web.zoom.us/j/8402937790>. Public comment may also be submitted via email to administration@wvwd.org. If you require additional assistance, please contact administration@wvwd.org.

CALL TO ORDER

OPENING CEREMONIES

Pledge of Allegiance
Opening Prayer
Call to Order
Roll Call of Board Members

ADOPT AGENDA

PUBLIC PARTICIPATION

Any person wishing to speak to the Board of Directors on matters listed or not listed on the agenda, within its jurisdiction, is asked to complete a Speaker Card and submit it to the Acting Board Secretary, if you are attending in person. For anyone joining on Zoom, please wait for the Board President's instruction to indicate that you would like to speak. Each speaker is limited to three (3) minutes. Under the State of California Brown Act, the Board of Directors is prohibited from discussing or taking action on any item not listed on the posted agenda. Comments related to noticed Public Hearing(s) and Business Matters will be heard during the occurrence of the item.

Public communication is the time for anyone to address the Board on any agenda item or anything under the jurisdiction of the District. Also, please remember that no disruptions from the crowd will be tolerated. If someone disrupts the meeting, they will be removed.

PRESENTATION

- Special Districts Leadership Academy (SDLA)

CONSENT CALENDAR

All matters listed under the Consent Calendar are considered routine and will be enacted by one vote. There will be no separate discussion of these items unless a member of the Board of Directors, Staff Member, or any member of the public request a specific item(s) be removed for separate action.

Consideration of:

1. Approval and adoption of Resolution#: 2022-22 for Volunteer Personnel Coverage Under Workers' Compensation. Page 6.
2. Approval of Payment to Leal - Trejo for Professional Services rendered in May 2022, Invoice No. 18907, 18908, 18909, 18910, 18906, totaling \$26,024.36. Page 9.
3. Approval of Payment to Reed & Davidson, LLP, for Professional Services rendered in June 2022, Invoice No. 43726-1; \$4,477.50. Page 10

BUSINESS MATTERS

Consideration of:

4. Adopt Resolution No. 2022-21 A Resolution Of The Board Of Directors Of The West Valley Water District Amending Schedules “B” Standing Committees And Schedule “C” Outside Meetings Of Ordinance No. 86 With Respect To Compensation And Policies Related To Board Activities. Page 11.

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

1. **Board Members**
2. **General Manager**
3. **Legal Counsel**

UPCOMING MEETINGS

- August 18, 2022, West Valley Water District Regular Board of Directors Meeting at 6:00 p.m. at District Headquarters.
- August 22, 2022, West Valley Water District Special External Affairs Committee Meeting at 6:00 p.m. at District Headquarters.
- August 23, 2022- Policy Review Committee Meeting at 6:00 p.m. at District Headquarters.
- August 24, 2022- Finance Committee Meeting at 6:00 p.m. at District Headquarters.
- September 1, 2022, West Valley Water District Regular Board of Directors Meeting at 6:00 p.m. at District Headquarters.
- September 8, 2022, West Valley Water District External Affairs Committee Meeting at 6:00 p.m. at District Headquarters.
- September 12, 2022, West Valley Water District Human Resources Committee Meeting at 6:00 p.m. at District Headquarters.
- September 13, 2022 - West Valley Water District Safety & Technology Committee Meeting at 6:00 p.m. at District Headquarters.
- September 14, 2022 - West Valley Water District Engineering, Operations & Planning Committee Meeting at 6:00 p.m. at District Headquarters.

UPCOMING EDUCATIONAL & TRAINING OPPORTUNITIES

CLOSED SESSION

- CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION - Significant Exposure to Litigation Pursuant to Paragraph (2) of Subdivision (D) of Section 54956.9(B): Number of Cases: Four (4).
- CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Paragraph One (1) of Subdivision (d) of the Government Code Section 54956.9 Case Name: Diana Gunn. vs. West Valley Water District, Case No. CIVSB2117195.
- CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Paragraph one (1) of Subdivision (d) of the Government Code Section 54956.9 Case Name: Patricia Romero vs. West Valley Water District, Case No. CIVDS2024402.
- CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Paragraph one (1) of Subdivision (d) of the Government Code Section 54956.9 Case Name: Naisha Davis vs. West Valley Water District et al. Case No. 20STCV0323.
- CONFERENCE WITH LEGAL COUNSEL - PUBLIC EMPLOYEE APPOINTMENT - Pursuant to Government Code Section 54957, Title(s) General Manager.
- CONFERENCE WITH LEGAL COUNSEL - PUBLIC EMPLOYEE APPOINTMENT - Pursuant to Government Code Section 54957, Title(s) Chief Financial Officer.
- CONFERENCE WITH LEGAL COUNSEL - PUBLIC EMPLOYEE APPOINTMENT - Pursuant to Government Code Section 54957, Title(s) Board Secretary.

ADJOURN

DECLARATION OF POSTING:

I declare under penalty of perjury, that I am employed by the West Valley Water District and posted the foregoing Agenda at the District Offices on August 15, 2022.



Nancy Albitre, Acting Board Secretary

Please Note:

Material related to an item on this Agenda submitted to the Board after distribution of the agenda packet are available for public inspection in the District's office located at 855 W. Baseline, Rialto, during normal business hours. Also, such documents are available on the District's website at www.wvwd.org subject to staff's ability to post the documents before the meeting.

Pursuant to Government Code Section 54954.2(a), any request for a disability-related modification or accommodation, including auxiliary aids or services, in order to attend or participate in the above-agendized public meeting should be directed to the Acting Board Secretary, Nancy Albitre, at least 72 hours in advance of the meeting to ensure availability of the requested service or accommodation. Ms. Albitre may be contacted by telephone at (909) 875-1804 ext. 346, or in writing at the West Valley Water District, P.O. Box 920, Rialto, CA 92377-0920.



**BOARD OF DIRECTORS
STAFF REPORT**

DATE: August 18, 2022
TO: Board of Directors
FROM: Van Jew, Acting General Manager
SUBJECT: APPROVAL AND ADOPTION OF RESOLUTION#: 2022-22 FOR VOLUNTEER PERSONNEL COVERAGE UNDER WORKERS' COMPENSATION

BACKGROUND:

At its November 18, 1997, meeting, ACWA JPIA's Board of Directors approved a recommendation of the Executive and Risk Management Committees which requires all Liability Program members to adopt a resolution making volunteers subject to Workers' Compensation coverage. This is a standard recommendation of the Risk Management and Member Services Departments.

Section 3363.5 of the California Labor Code empowers public agencies to designate that persons performing voluntary service without pay for the agency shall be deemed employees for purposes of workers' compensation benefits. This is accomplished by means of the governing body of the agency adopting a resolution to that effect.

Covering volunteers under workers' compensation has significant benefits. Workers' compensation benefits are statutorily defined. Claims costs are usually significantly lower compared to liability lawsuits for the same injuries or illnesses. The claims are easier to control since litigation is generally avoided. Also, providing benefits to volunteer workers under the "no-fault" workers' compensation system can be seen as good public relations.

DISCUSSION:

On May 5, 2022, ACWA JPIA advised the District after a risk assessment was performed that a resolution should be adopted by the Board of Directors. They advised that the need for this resolution is due to recent losses where a resolution had not been in place.

Staff searched through and reviewed all of the District's adopted resolutions. However, a resolution making volunteers subject to workers' Compensation coverage was not found.

The District at times has volunteers; which creates an exposure. Volunteers can include student interns, youth and civic groups undertaking projects, work-release inmates, or individuals responding to or assisting in emergency situations. Even members' directors attending meetings or performing other services for which they are not compensated on a per diem or other basis are considered

volunteers. All of these can be provided with workers' compensation benefits.

FISCAL IMPACT:

None

STAFF RECOMMENDATION:

Approve and adopt Resolution No. 2022-22 to ensure compliance with the ACWA JPIA requirement to ensure volunteers are subject to Workers' Compensation coverage.

Respectfully Submitted,

Van Jew

Van Jew, Acting General Manager

VJ:hs

ATTACHMENT(S):

1. WVWD.Reso_2022-22 Volunteer WC coverage

RESOLUTION NO. 2022-22
RESOLUTION OF THE BOARD OF DIRECTORS OF THE
WEST VALLEY WATER DISTRICT
ESTABLISHING THE VOLUNTEER PERSONNEL WORKERS' COMPENSATION
INSURANCE

WHEREAS, the Board of Directors (“Board”) of the West Valley Water District (“District”) desires to provide Workers’ Compensation Insurance benefits for persons authorized by the District to perform volunteer services for the District, and

WHEREAS, the Legislature of the State of California has provided through legislation (Labor Code Section 3363.5) authorization for the inclusion of such coverage in the District’s workers’ compensation insurance policy.

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the West Valley Water District hereby adopts the policy that an unpaid person authorized to perform volunteer service for the District shall be deemed to be an employee of the District for the purposes of Workers’ Compensation Insurance benefits provided for by law for any injury or illness sustained by them while engaged in the performance of services for the District under its direction and control.

ADOPTED, SIGNED AND APPROVED THIS 18th DAY OF AUGUST, 2022.

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

ATTEST:

Nancy M. Albitre, Acting Board Secretary

LEAL • TREJO
ATTORNEYS AT LAW
A PROFESSIONAL CORPORATION

HW
8/8/22
RNT

H. FRANCISCO LEAL
WILLIAM J. TREJO
MARIBEL S. MEDINA
DAVID J. ALVAREZ
MICHAEL E. WOLFSOHN
DENISE A. MARTINEZ
JENNIFER A. CHAMBERLAIN
ARTURO N. FIERRO
ANA MARIA QUINTANA

3767 WORSHAM AVENUE
LONG BEACH, CALIFORNIA 90808
(213) 628-0808
FAX (213) 628-0818
WWW.LEAL-LAW.COM

August 1, 2022

General Manager
West Valley Water District
855 W. Base Line Road
Rialto, CA 92376

**Re: Professional Services Rendered through May 2022 for
West Valley Water District – Legal matters.**

Dear General Manager:

Enclosed is the statements for general legal services rendered by Leal • Trejo APC under our agreement for services with the Water District. Please find below a summary of the statements submitted to you for review and payment.

General / Personnel	Inv. No. 18907	13,740.00
IE WORKS	Inv. No. 18908	1,560.00
Qui Tam Litigation	Inv. No. 18909	195.00
Zavala	Inv. No. 18910	10,307.50
Expenses	Inv. No. 18906	221.86

TOTAL: \$ 26,024.36

Kindly make your check payable to Leal • Trejo APC, forwarding the same directly to the undersigned. Should you have any questions, please feel free to contact our office.

Very truly yours,
LEAL • TREJO APC

H. Francisco Leal

H. Francisco Leal

HFL/meg
Enclosures

REED & DAVIDSON, LLP
ATTORNEYS AT LAW
515 SOUTH FIGUEROA STREET, SUITE 1110
LOS ANGELES, CA 90071
TELEPHONE (213) 624-6200
FACSIMILE (213) 623-1692
POLITICALLAW.COM

July 5, 2022

West Valley Water District
855 W. Base Line Rd.
Rialto, CA 92376
Attn: Rickey S. Manbahal

Invoice Number: 43726-1

Professional Services

	<u>Amount</u>
Total Amount of this bill	\$4,477.50

This invoice is approved. Please place on agenda for final Board approval.

Robert Nacionales Tafoya,
General Counsel



RESOLUTION NO. 2022-21

**A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE WEST VALLEY WATER DISTRICT AMENDING SCHEDULES “B”
STANDING COMMITTEES AND SCHEDULE “C” OUTSIDE MEETINGS OF
ORDINANCE NO. 86 WITH RESPECT TO COMPENSATION AND POLICIES
RELATED TO BOARD ACTIVITIES**

WHEREAS, the West Valley Water District (“District”) Board of Directors (“Board”) conducted an election of officers for the position of President; and

WHEREAS, the need to amend Schedule “B” Standing Committees and Schedule “C” Outside Meetings is necessary; and

WHEREAS, Schedule “B” is a list of Standing Committee Meetings of the Board of Directors and the designated Directors for each Committee, attached hereto; and

WHEREAS, as Schedule “C” is a list of Outside Meetings of the Board of Directors and the designated Director for each Meeting, attached hereto. Each Outside Meeting listed on Schedule “C” sets forth a primary representative and alternate representative.

NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE WEST VALLEY WATER DISTRICT DOES HEREBY ORDAIN AS FOLLOWS:

Article 1. Superseding of Previous Enactments.

All other previous enactments providing for Board of Directors committee appointments have been superseded by this resolution. Schedules “B” & “C” may be amended from time to time by a duly adopted resolution of the Board.

ADOPTED, SIGNED AND APPROVED THIS 18th DAY OF AUGUST 2022.

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

ATTEST:

Nancy Albitre, Acting Board Secretary

CURRENT COMMITTEE MEMBERS

**SCHEDULE “B”
STANDING COMMITTEES**

ORGANIZATIONS

**DESIGNATED
REPRESENTATIVE**

Executive Committee

President
Vice President

Engineering/Planning Committee

Greg Young
Angela Garcia

External Affairs Committee

Angela Garcia
Channing Hawkins

Finance Committee

Greg Young
Angela Garcia

Human Resources Committee

Kelvin Moore
Channing Hawkins

Safety and Technology Committee

Greg Young
Kelvin Moore

Policy Review & Oversight Committee

Greg Young
Kelvin Moore

**SCHEDULE "C"
OUTSIDE MEETINGS**

ORGANIZATION	<u>DESIGNATED REPRESENTATIVE</u>	<u>ALTERNATE</u>
ACWA/JPIA	Channing Hawkins	General Manager
Bloomington Municipal Advisory Committee (MAC)	Greg Young	Angela Garcia
San Bernardino Valley Municipal Water District	Channing Hawkins	
Rialto Basin Groundwater Council	Greg Young	Kelvin Moore

**SCHEDULE "B"
STANDING COMMITTEES**

ORGANIZATIONS

**DESIGNATED
REPRESENTATIVE**

Executive Committee

President
Vice President

Engineering/Planning Committee

External Affairs Committee

Finance Committee

Human Resources Committee

Safety and Technology Committee

Policy Review & Oversight Committee

**First position is the Chairperson*

**SCHEDULE "C"
OUTSIDE MEETINGS**

ORGANIZATION	<u>DESIGNATED REPRESENTATIVE</u>	<u>ALTERNATE</u>
ACWA/JPIA	_____	_____
	_____	_____
Bloomington Municipal Advisory Committee (MAC)	_____	_____
	_____	_____
San Bernardino Valley Municipal Water District	_____	_____
	_____	_____
Rialto Basin Groundwater Council	_____	_____
	_____	_____