



**CHINO BASIN WATER CONSERVATION DISTRICT
REGULAR BOARD MEETING MINUTES**

MONDAY, SEPTEMBER 11, 2023 AT 2:00 P.M.

**BOARD ROOM
4594 SAN BERNARDINO STREET
MONTCLAIR, CA 91763**

BOARD OF DIRECTORS

**Mark Ligtenberg, President
Kati Parker, Vice President
Gil Aldaco, Treasurer
Teri Layton, Director
Amanda Coker, Director
Hanif Gulmahamad, Director
Ryan Sonnenberg, Director**

GENERAL MANAGER

Elizabeth Skrzat

LEGAL COUNSEL

Lee McElhaney

INVOCATION – *Director Layton led the Board in the invocation.*

CALL TO ORDER AND FLAG SALUTE – *President Ligtenberg called the meeting to order at 2:00 p.m. and led the audience in the flag salute.*

ROLL CALL – *Board Members present were President Mark Ligtenberg, Vice President Kati Parker, Treasurer Gil Aldaco, Directors Teri Layton, Amanda Coker, and Ryan Sonnenberg. Board Member Hanif Gulmahamad had an excused absence.*

General Counsel Leland McElhaney, Esq., General Manager Elizabeth Skrzat, Conservation Programs Manager Scott Kleinrock, Facilities Maintenance Manager Dave Schroeder, Community Programs Manager Maia Dean, Administrative Services Manager Alicia Fernandez, Board Clerk/Administrative Coordinator Dena Lamarque, Community Programs Educators Billy Mercado, Azucena Quinones, Monica Curiel were present.

ADDITIONS OR CHANGES TO THE AGENDA

In accordance with Section 54954.2 of the Government Code (Brown Act), a two-thirds vote (or unanimous vote if less than two-thirds are present), is required to add an item for action, provided that there is a need to take immediate action and that the need for action came to the attention of the agency after the agenda was posted.

General Manager Elizabeth Skrzat requested that Agenda Item No. 5 be amended. Directors Layton and Coker were in attendance attended the August 14, 2023 Board Meeting. A resolution to nominate Vice President Parker to the Association of San Bernardino County Special Districts Board of Directors was added as Item No. 16. Nominations are taking place at their meeting this evening.

A motion was made by Director Layton, to amend Item No. 5 and to add Item No. 16, seconded by Treasurer Aldaco. The motion passed unanimously.

PRESENTATIONS

1. **METRICS PRESENTATION – COMMUNITY DEPARTMENT FY 22-23 REPORT:** Maia Dean, Community Programs Manager

The presentation was received and filed.

2. **INTERPRETIVE SIGNAGE PRESENTATION:** Scott Kleinrock, Conservation Programs Manager

The presentation was received and filed.

CONSENT CALENDAR

At this time, members of the public may present testimony as to why an item should be removed from the Consent Calendar for separate discussion. Unless a member of the public or a Director request that an item be removed from the Consent Calendar, all items will be acted upon as a whole and approved in a single motion and vote. Items removed from the Consent Calendar will be acted upon separately.

A motion was made by Director Coker, seconded by Vice President Parker to approve Items 3 -6, and 8-9, and approved unanimously. Item No. 7 was pulled by Treasurer Aldaco for further discussion.

3. **APPROVE MEETING MINUTES: REGULAR BOARD MEETING OF AUGUST 14, 2023**

Recommendation: It is recommended that the Board of Directors approve said minutes as is.

Approved unanimously.

4. **FINANCIAL REPORTS FOR JULY 2023**

Recommendation: It is recommended that the Board of Directors approve the financial reports.

Approved unanimously.

5. **APPROVE 1234 DIRECTOR TRAVEL, TRAINING, AND MEETING REPORT**

Recommendation: It is recommended that the Board of Directors approve the Director Travel, Training and Meeting Report, reflecting business-related expenses incurred by the District.

Approved unanimously.

6. **APPROVE 1234 DIRECTOR COMPENSATION & REIMBURSEMENT REPORT**

Recommendation: It is recommended that the Board of Directors approve Director Compensation and Reimbursement Report.

Approved unanimously.

7. **ADOPT RESOLUTION NO. 2023-04 FOR DISPOSAL OF DISTRICT PROPERTY**

Recommendation: It is recommended that the Board of Directors approve Resolution No. 2023-04 for Disposal of District Property.

Treasurer Aldaco requested that Item No. 7 be pulled from the Consent Calendar for further discussion.

Treasurer Aldaco asked for clarification of the term "broken" for some of the items being listed. Staff explained that the term was meant to convey that the item was no longer operational though not necessarily damaged. He suggested other wording be used instead of "broken." Staff agreed that the term "obsolete" would be used on Disposal of District Property reports moving forward.

A motion to approve Item No. 7 was made by Treasurer Aldaco, seconded by Director Sonnenberg. Motion passed unanimously.

8. **ADOPT RESOLUTION NO. 2023-05: THE STATE OF CALIFORNIA GOVERNOR'S OFFICE OF EMERGENCY SERVICES DESIGNATION OF APPLICANT'S AGENT FOR NON-STATE AGENCIES**

Recommendation: It is recommended that the Board of Directors adopt Resolution No. 2023-05: the State of California Governor's Office of Emergency Services Designation of Applicant's Agent for Non-State Agencies to allow the District to receive reimbursement funds from FEMA for costs related to COVID-19 response.

Approved unanimously.

9. **APPROVE FY 22-23 4TH QUARTER (Q4) FINANCIAL REPORT**

Recommendation: It is recommended that the Board of Directors approve the FY 22-23 Q4 Financial Report.

Approved unanimously.

PUBLIC COMMUNICATIONS

This is the time and place for the general public to address the Board of Directors. Due to Brown Act requirements, action will not be taken on any issues not on the Agenda; however, the Board of Directors may refer comments and concerns to staff or request the item be placed on a future agenda. In accordance with District Resolution No. 2020-05: Decorum During Public Meetings, each speaker shall be allotted five (5) minutes of time to address the Board.

President Ligtenberg opened the Public Comment period. The Board Clerk stated no public communication was received.

DISCUSSION ITEMS

10. **ADOPT RESOLUTION 2023-06 ESTABLISHING AN APPROPRIATIONS LIMIT (GANN LIMIT) FOR FISCAL YEAR 2023-2024**

Recommendation: It is recommended that the Board of Directors review, discuss and adopt Resolution 2023-06, establishing an appropriations limit (GANN LIMIT) for Fiscal Year 2023-2024 in the amount of \$10,153,743.

General Manager Skrzat reported that the GANN Limit was created in 1979 under Proposition 4. Every year it is calculated by the District's accountants at Eide Bailly. This year it was over ten million dollars, and our revenues and expenditures are projected at about four million dollars, therefore, the proposed limit will not impact operations.

A motion was made by Vice President Parker and seconded by Director Sonnenberg to approve the item as recommended by staff. The motion passed unanimously.

11. APPROVE AGREEMENT NO. 2023-12 BETWEEN CHINO BASIN WATER CONSERVATION DISTRICT (CBWCD) & MONTE VISTA WATER DISTRICT (MVWD) FOR STORAGE OF SUPPLEMENTAL WATER

Recommendation: It is recommended that the Board of Directors review, discuss, and approve Agreement No. 2023-12 between CBWCD and Monte Vista Water District for storage of supplemental water in the Chino Basin, which is substantially complete, subject to final revisions and approval by District management and Legal Counsel.

General Manager Skrzat presented Items No. 11 and No. 12 simultaneously.

12. APPROVE AGREEMENT NO. 2023-13 BETWEEN CHINO BASIN WATER CONSERVATION DISTRICT (CBWCD) AND CUCAMONGA VALLEY WATER DISTRICT (CVWD) FOR STORAGE OF SUPPLEMENTAL WATER

Recommendation: It is recommended that the Board of Directors review, discuss, and approve Agreement No. 2023-13 between CBWCD and Cucamonga Valley Water District for storage of supplemental water in the Chino Basin.

General Manager Skrzat reported that two agreements are being considered for the storage of supplemental water as part of the "Drought Piggy Bank" Program. Since CBWCD does not have a storage agreement of their own, it was highly suggested by the Watermaster staff that CBWCD work with another district that has a storage agreement.

General Manager Skrzat discussed the idea with MVWD and CVWD who immediately agreed to assist and began drafting agreements. Recently, all parties discussed the agreements with their legal counsel and CBWCD's legal counsel.

Director Layton asked if CBWCD was still going to pursue getting its storage account. Her concern is that the water is placed on an account and with time people will forget.

Ms. Skrzat responded that CBWCD will continue to pursue getting an account. Following regulations, CBWCD is not allowed to create an account until the water is in the ground. This is one of the steps that is needed in order to be in a better position to store water when the opportunity to purchase water presents itself.

Vice President Parker added that the reason Watermaster does that is because there is a limitation in the amount of storage and they do not want every district to use up that space.

Director Coker commented that she is employed by one of the agencies and recused herself from drafting any agreement.

A motion was made by Treasurer Aldaco, Seconded by Vice President Parker, to approve Agreement No. 2023-12 with Monte Vista Water District (MVWD) and Agreement No. 2023-13 with Cucamonga Valley Water District (CVWD) for Storage of Supplemental Water, subject to final revisions and approval by District Management and Legal Counsel. The motion passed unanimously.

13. ADOPT RESOLUTION 2023-07: RESCINDING RESOLUTIONS ADOPTED IN RESPONSE TO COVID-19 IN 2020 AND 2021

Recommendation: It is recommended that the Board of Directors review, discuss, and adopt Resolution No. 2023-07: Rescinding Resolutions Adopted in Response to COVID-19 in 2020 and 2021.

General Manager Skrzat commended the Board in the terrific job they did during the pandemic. In the early days of the pandemic, the Board adopted resolutions granting immediate access to sick leave and vacation time through December 2020, and extended staff Covid specific emergency leave. At this time, policies related to response to Covid 19 need to be rescinded to clear the books from a Human Resources and payroll perspective and to restore the District to a pre-pandemic mode of operations. Should any further issues arise, the District will address them solely by changing policies in the District's Policy Manual.

A motion was made by Director Sonnenberg seconded by Treasurer Aldaco to approve the item as recommended by staff. The motion passed unanimously.

14. AMEND POLICY NO. 39 – HOLIDAYS AND APPROVE THE DISTRICT'S HOLIDAY CALENDAR FOR 2024

Recommendation: It is recommended that the Board of Directors review, discuss, and amend Policy No. 39 and approve the District's holiday calendar for 2024.

General Manager Skrzat reported that the amendment was reviewed and discussed by the Personnel Committee. A survey of the local districts was conducted as well and was reviewed by the Committee to assist with their decision. The Personnel Committee recommended an additional two paid floating holidays to be used at the employee's discretion. This would bring the District on par with what other districts provide their employees.

Director Layton suggested that a labor attorney review Policy No. 39 to address any ramifications of whether the holidays get paid out or not.

A motion was made by Vice President Parker, seconded by Treasurer Aldaco, to amend Policy No. 39 – Holidays, subject to labor law attorney approval, and approve the District's Holiday Calendar for 2024 as presented. The motion passed unanimously.

15. ACWA REGION 9 BOARD SELECTION

There was no action taken at this time.

16. RESOLUTION NO. 2023-08 NOMINATING VICE PRESIDENT KATI PARKER TO SERVE ON THE ASSOCIATION OF THE SAN BERNARDINO COUNTY SPECIAL DISTRICTS BOARD OF DIRECTORS

Recommendation: It is recommended that the Board of Directors review, discuss, and pass Resolution No. 2023-08 Nominating Vice President Kati Parker to the Association of the San Bernardino County Special Districts Board of Directors.

General Manager Skrzat reported that Vice President Parker expressed the wish to be nominated to serve on the Association of the San Bernardino County Special Districts Board of Directors. Ms. Skrzat was informed that a Resolution was needed in order to support Vice President Parker's nomination. The SBCSD will meet about this subject this evening.

A motion was made by Director Layton, seconded by Treasurer Adalco to approve item as recommended by staff. The motion passed unanimously.

General Manager Skrzat clarified that Items 16 and 17 are now Items 17 and 18 under Closed Session.

DIRECTOR ORAL REPORTS

This is the time and place for the Board of Directors to report on any items of interest. Upon request by an individual Director, the Board may choose to take action on any of the subject matters listed below.

- *President Ligtenberg - Attended meetings as itemized in Item 5 – AB 1234 of the Agenda.*
- *Vice President Parker – Attended meetings as itemized in Item 5 – AB 1234 of the Agenda. Recommended that we host one of the ASBCSD Membership meetings in June or July 2024; Suggested raising the scholarship amount for Cohort Program; Requested that the monitors be lowered at the dais.*
- *Treasurer Aldaco - Attended meetings as itemized in Item 5 – AB 1234 of the Agenda. Requested staff look into getting a consultant to work with the Board on how to be better leaders.*

- Director Layton - *Attended meetings as itemized in Item 5 – AB 1234 of the Agenda.*
- Director Coker - *Attended meetings as itemized in Item 5 – AB 1234 of the Agenda.*
- Director Gulmahamad – *None.*
- Director Sonnenberg - *Attended meetings as itemized in Item 5 – AB 1234 of the Agenda.*

STAFF ORAL REPORTS

- General Manager/Secretary Report – *Invited the Board to the Waterwise Pumpkin Fest on Saturday, October 7th; noted that staff will be taking down the gallery wall in the lobby on October 8th; and noted the Loteria Project will be launched in November (date TBD). In 2024: The Time Capsule event will be held on January 18th, and the Policymakers Celebration will be held on September 19th.*
- Legal Counsel Report – *None.*

CLOSED SESSION

President Ligtenberg recessed the meeting at 3:42 p.m. to consider the following Closed Session items:

Legal Counsel shall provide a briefing on the item listed for Closed Session as follows:

17. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Government Code Section 54956.9(d)(1)
KAISER Foundation Health Plan, Inc., et al. vs. Chino Basin Water Conservation District;
and DOES 1 through 10, inclusive
San Bernardino Superior Court Case No.: CIVDS 1933655

18. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Government Code Section 54956.9(d)(1)
Cari McCormick vs. California Public Employees' Retirement System

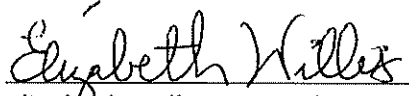
President Ligtenberg reconvened the meeting at 4:23 p.m.

Board Attorney, Leland McElhaney, stated that there was no reportable action taken in closed session.

ADJOURNMENT

President Ligtenberg adjourned the meeting at 4:23 p.m. to the next Regular Board Meeting of the Chino Basin Water Conservation District to be held on **Monday, October 9, 2023**, at 2:00 p.m. at District Headquarters, located at 4594 San Bernardino Street, Montclair, CA 91763.

APPROVED AND ADOPTED THIS 9TH DAY OF OCTOBER, 2023.


Elizabeth Willis, General Manager

ATTEST:


Dena Y. Lamarque, Board Clerk/Administrative Coordinator

