



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

MONDAY, DECEMBER 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 Willis

LEGAL COUNSEL

Lee McElhaney

INVOCATION – *President Gulmahamad led the Board in the invocation.*

CALL TO ORDER AND FLAG SALUTE – *President Ligtenberg called the meeting to order at 2:04 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, Hanif Gulmahamad and Ryan Sonnenberg.*

General Counsel Leland McElhaney, Esq. joined via Teams call, General Manager Elizabeth Willis, Administrative Services Manager Alicia Fernandez, Facilities Maintenance Manager Dave Schroeder, Community Programs Manager Maia Dean, Interim Board Clerk Jasmine Felix, and Robert Wagner, President of Wagner & Bonsignore were present. David Lounsbury, P.E., with Wagner and Bonsignore, was also present via Teams call.

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 Willis confirmed there were no additions to the agenda but noted there was an amendment to the staff report for Item No. 4.

PRESENTATIONS

1. CHINO BASIN WATER CONSERVATION DISTRICT TIME CAPSULE EVENT

The presentation was received and filed.

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 Interim Board Clerk stated no public communication was received.

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.

Director Coker made a motion to approve the consent calendar with the amended item no. 4, seconded by Director Parker; the motion was approved unanimously.

2. APPROVE MEETING MINUTES: REGULAR BOARD MEETING OF NOVEMBER 13, 2023

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

Approved unanimously.

3. APPROVE AB 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.

4. APPROVE AB 1234 DIRECTOR COMPENSATION & REIMBURSEMENT REPORT

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

Approved unanimously.

5. FINANCIAL REPORTS FOR OCTOBER 2023

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

Approved unanimously.

6. APPROVE FISCAL YEAR 23-24 1ST QUARTER (Q1) FINANCIAL REPORT

Recommendation: It is recommended that the Board of Directors approve the FY 23-24 Q1 Financial Report.

Approved unanimously.

DISCUSSION ITEMS**7. BRIEFING ON THE PROPOSED 2018 CONFLUENCE REGIONAL WATER RESOURCE PROJECT**

Recommendation: It is recommended that the Board of Directors receive and file the briefing on the proposed 2018 Confluence Regional Water Resource Project and provide feedback to staff.

General Manager Willis introduced Robert Wagner, President of Wagner & Bonsignore, to provide a Confluence Project Evolution & Summary presentation to the Board and was available for questions.

Director Coker asked a clarifying question as to the amount of water and where it was being pumped to. Mr. Wagner stated that at the time of the evaluation the purpose was to determine the estimated gross amount of water and not the net amount of water that the Montclair Basin would receive. Director Parker and Coker inquired why the Montclair Basin was preferred basin in lieu of the Brooks Basin. Mr. Wagner responded that the Montclair Basin has plenty of unused capacity that could facilitate any amount of water being pumped and the cost per unit would be more if it were pumped to Brooks Basin. Director Gulmahamad requested that Mr. Wagner provide an updated cost based on the current inflation. Mr. Wagner provided an estimated linear increase of 30%. Ms. Willis iterated that the purpose of the briefing is for informational purposes and not to move forward with any decisions at this time. Director Gulmahamad asked if the Realtor John Vandyke could provide a current worth for the subject property. Ms. Willis replied she had previously spoken with Mr. Vandyke and generally land is currently selling for \$1 Million dollars an acre. Director Layton asked about the size of the property and Ms. Willis noted it is about 12-16 acres and that it is not suitable for residential infrastructure. Facilities Maintenance Manager Dave Schroeder confirmed it is slightly larger than 16

acres and provided a brief description of the property. Director Layton requested a site visit and Ms. Willis confirmed that that could be arranged. Director Parker and Coker proposed a couple of alternative solutions that involved other water agencies. Mr. Wagner assured the Board that alternatives were considered and described some of those alternatives but were not cost effective. Mr. Schroeder provided an anecdote of another alternative that was considered in the early 2000's by the Cucamonga Basins. Director Coker emphasized that involving other water agencies would aid in funding and cost sharing. Director Parker highlighted that there were political and cost factors that prevented this project from being successful. Director Ligtenberg posed a question on issues of permeability. Mr. Wagner responded that permeability varies within the basin.

General Manager Willis reiterated that in March 2021 the Board chose to keep the land but not to move forward with the project. Director Gulmahamad asked Mr. Wagner if any of his views changed from the time of inception to now based on his current knowledge and research. Mr. Wagner corroborated that it was apparent from the beginning, that it was not an ideal site for the project. Director Layton asked if community pushback was considered at the time of research. Mr. Wagner confirmed that it was.

The presentation was received and filed.

8. AWARD CONTRACT TO EVERFENCE CORPORATION FOR THE BROOKS BASIN FENCING PROJECT, PHASE 1 (CIP NO. 2023-1)

Recommendation: It is recommended that the Board of Directors 1) review, discuss and consider the results of the Brooks Basin Fencing Project, Phase 1 bidding process; 2) award the bid to EverFence Corporation; 3) approve a budget modification to appropriate \$298,710.00 to Account No. 58000: Capital Projects.

General Manager Willis presented the staff report to the Board.

A motion was made by Director Parker and seconded by Director Layton. Director Ligtenberg acknowledged the motion and opened for discussion.

Director Gulmahamad requested Mr. Schroeder feedback on the proposed winning bidder. Mr. Schroeder restated the bidding process that warranted objectivity.

Director Aldaco questioned if references were requested during the bidding process. Administrative Services Manager Alicia Fernandez informed Director Aldaco that references were not required at the time of bidding but would submit a request to EverFence Corporation.

Director Aldaco inquired about site security during the demolition of the fence that is to be replaced. Ms. Fernandez directed the Board to consult Mr. Schroeder for clarification. Director Layton asked what the project timeline was and if a contingency clause was instituted. Ms. Willis mentioned that the bid specifications did not include security.

However, Mr. Shroeder stated that during the mandatory job walk potentials bidders asked if they could leave the original fence while installing the new fence, and assured the Board that the site will not be left unsecured. Director Aldaco posed a clarifying question about the installation. Mr. Schroeder explained that the fence will be replaced in sections so that no section is left open to trespassers.

Director Gulmahamad asked how the District was going to ensure that specified materials in the bid are going to be installed. Mr. Shroeder commented that he was going to be the point of contact to ensure specified materials are received and installed. Ms. Willis emphasized that the materials were specified in the engineer's bid specifications.

Director Coker emphasized the importance of including a contingency plan in the contract for security purposes. Director Parker agreed and proposed amending the motion to include a 10% contingency plan; Director Layton seconded.

Director Ligtenberg restated Director Parker's proposal to include the amended motion for an addition of a 10% contingency; the motion was approved unanimously.

9. **ADOPT RESOLUTION NO. 2023-09 APPROVING THE PROPOSED FACILITY USE POLICY AND USER FEES**

Recommendation: It is recommended that the Board of Directors adopt Resolution No. 2023-09 approving the proposed Facility Use Policy in its entirety, which includes a proposed fee schedule for the use of the Waterwise Community Center property.

General Manager Willis presented the staff report to the Board.

Director Coker asked about fee waivers. Ms. Willis provided fee clarification. Director Parker recalled a caveat on fee implementation within the policy.

Director Parker made the motion to approve the staff's recommendation on the Facility Use Policy, Director Coker seconded the motion.

Director Gulmahamad asked if General Counsel Leland McElhaney, Esq. had the opportunity to review the policy and if the policy allowed the General Manager the authority to waive fees on a case-to-case basis. Ms. Willis, Administrative Services Manager Fernandez, and Mr. McElhaney affirmed that he did review the documents and provided feedback. After the revisions were made per his direction, he deemed the documents to be in order. Ms. Willis also confirmed that she may waive fees if deemed appropriate.

Director Aldaco provided commentary on various sections of the policy. Ms. Willis responded by providing the history of how the policy was created and referring to specific events used to framework the policy.

Director Layton requested clarification on security requirements. Ms. Willis replied that it will be determined on a case-by-case basis.

In response to Director Aldaco's feedback, Director Coker reflected that the policy is a work in progress. Directors Ligtenberg and Layton supported the idea that the policy should be viewed as a living document that will be subject to change.

Director Layton excused herself from the meeting at 3:44 p.m.

Ms. Fernandez added that the policy states the policy may be updated with the approval of Legal Counsel.

Director Parker reinstated her motion with non-substantive language and authorizing the General Manager to make the appropriate revisions with legal review. The motion was seconded by Director Coker and approved unanimously.

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 – *None.*
- Vice President Parker – *Attended meetings as itemized in Item 5 – AB 1234 of the Agenda. She commended staff on the Waterwise Loteria Gallery event.*
- Treasurer Aldaco - *Attended meetings as itemized in Item 5 – AB 1234 of the Agenda.*
- 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 – *Attended meetings as itemized in Item 5 – AB 1234 of the Agenda.*
- Director Sonnenberg - *Attended meetings as itemized in Item 5 – AB 1234 of the Agenda.*

STAFF ORAL REPORTS

- General Manager/Secretary Report – *General Manager Willis thanked the Community Programs team, specifically Monica Curiel, for the Waterwise Loteria Gallery event. She encouraged the Board to view the newly completed mural in the lobby. She also attended the Association of California Water Agencies conference.*
- Legal Counsel Report – *None.*

CLOSED SESSION

President Ligtenberg recessed the meeting into Closed Session at 4:00 p.m. to consider the following closed session item:

10. 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

President Ligtenberg reconvened the meeting at 4:31 p.m. and asked General Manager Willis to report on the closed session. Ms. Willis affirmed there was nothing to report.

ADJOURNMENT

President Ligtenberg adjourned the meeting at 4:32 p.m. to the next Regular Board Meeting of the Chino Basin Water Conservation District to be held on **Monday, January 8, 2023**, at 2:00 p.m. at District Headquarters, located at 4594 San Bernardino Street, Montclair, CA 91763.

APPROVED AND ADOPTED THIS 8TH DAY OF JANUARY 2024.


Elizabeth Willis, General Manager

ATTEST:



Jasmine Felix, Interim Board Clerk