

**A REGULAR MEETING  
OF THE  
SAN GABRIEL BASIN WATER QUALITY AUTHORITY  
OCTOBER 20, 2021 AT 12:00 P.M.**

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*With passage and signing of AB 361 and in light of the ongoing Statewide State of Emergency originally declared by Governor Newsom on March 4, 2020, WQA Board Meetings will continue to be conducted via remote teleconferencing, subject to the requirements of Government Code Section 54953(e). Due to the essential nature of the WQA Board Meetings in conducting Authority business, this WQA Board meeting took place online and teleconference.*

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**CALL TO ORDER** The Chairwoman called the regular meeting of the San Gabriel Basin Water Quality Authority to order and reviewed the actions anticipated on the agenda for the meeting.

**ROLL CALL OF BOARD MEMBERS** Valerie Munoz, Jorge Marquez, Bob Kuhn, Lynda Noriega, Michael Whitehead, Ed Chavez, Mark Paulson

**BOARD MEMBERS ABSENT** None.

**STAFF MEMBERS PRESENT** Randy Schoellerman, Executive Director; Stephanie Moreno, Executive Assistant/Outreach Coordinator; Dan Colby, Assistant Executive Director/Senior Project Manager; Mary Saenz, Director of Finance; Michelle Sanchez, Admin/Accounting Assistant; Richard Padilla, Legal Counsel

**MEMBERS OF THE PUBLIC PRESENT** None.

**MEMBERS OF THE PUBLIC THAT PARTICIPATED VIA ONLINE/TELECONFERENCE** Gabriel Monares, The Monares Group; David Muse, Valley County Water District; Jennifer Santana, Upper District; Brian Bowcock, Three Valleys MWD; Chris Lancaster, Civic Publications; Jeff Davis, Provost & Prichard; Brianne Logasa, San Gabriel Valley Council of Governments; Jose Martinez, Valley County Water District

**PUBLIC COMMENT** None.

**ITEMS TOO LATE TO BE AGENDIZED** None.

**CONSENT CALENDAR** Mr. Paulson enters the meeting.

Mr. Kuhn moved to approve the consent calendar. Mr. Marquez seconded the motion, and it was approved by the following roll call vote.

AYES: MUNOZ, MARQUEZ, KUHN, NORIEGA, WHITEHEAD, CHAVEZ

NO: NONE

ABSENT: NONE

ABSTENTIONS: Mr. Paulson abstained from the vote.  
Mr. Whitehead abstained from Project Demand No: E91288.  
Ms. Noriega abstained from Project Demand Nos. E91293.

## COMMITTEE REPORTS

### *Administrative/Finance Committee Report*

Mr. Schoellerman reported that the minutes for the committee meeting were enclosed for review.

### *Report on Cash and Investments for 3<sup>rd</sup> Quarter 2021*

Ms. Saenz reviewed the cash report for the 3<sup>rd</sup> quarter of 2021. She indicated that the WQA holds its investment funds at the Local Agency Investment Fund (LAIF). The average monthly effective yields for the Pooled Money Investment Account (PMIA) for July, August and September are 0.221%, 0.221%, and 0.206%, respectively. The PMIA Quarter to Date rate is .22%, as shown on the PMIA Daily Effective Yield schedule. She noted that the LAIF quarterly rate for July through September 2021 has not yet been issued.

### *Discussion/Action Regarding Update to Procedure 40 – Merit Salary Increases and Annual Cost of Living Allowance (COLA)*

Mr. Schoellerman reported that Procedure 40 establishes the Cost of Living Allowance (COLA) procedures for WQA Employees. The current Policy 40 differentiates between Exempt and Non-Exempt employees, as shown below.

- 1) *Exempt employees*: provides for an increase in the salary ranges by the April CPI-U.
- 2) *Non-Exempt employees*: provides for an increase in both the salary ranges and the actual salaries by the April CPI-U.

He noted that the Board of Directors approved the 2021 COLA at the June 16, 2021, Board Meeting. The discussion included a request from the Board for staff to bring Procedure 40 to the Administrative/Finance Committee to discuss the application of the COLA to both Exempt and Non-Exempt employees. He indicated that staff has also taken this opportunity to update the job titles and the salary ranges to reflect current information. He reported that the Administrative/Finance Committee recommends approval of the following updates to Procedure 40:

- Both Exempt and Non-Exempt Employees to be eligible for a COLA increase;
- Update the salary ranges to reflect the current salary ranges as approved by the Board on June 16, 2021; and
- Update the job titles to conform to current WQA staff positions.

After brief discussion, Mr. Paulson moved to approve the recommended updates to Procedure No. 40. Ms. Munoz seconded the motion, and it was approved by the following roll

call vote:

AYES: MUNOZ, PAULSON, MARQUEZ, KUHN,  
NORIEGA, WHITEHEAD, CHAVEZ

NO: NONE

ABSENT: NONE

*Discussion/Action Regarding  
Update to Procedure 28 – Risk  
Transfer Procedure*

Ms. Saenz reported Procedure 28 establishes the risk transfer procedures for the management of risk of loss when obtaining outside services or by Authority employees. She indicated that ACWA/JPIA is the Authority's insurer for property, liability and workers compensation insurance. She noted that staff is proposing to update the Authority's Risk Transfer Procedure No. 28 to conform to the insurance requirements and indemnification clauses as recommended by ACWA/JPIA. She reported that in general, the Authority's Procedure 28 does include the appropriate insurance coverages. However, to more closely conform to the ACWA/JPIA's recommendations, staff is suggesting the following changes:

- Adding specific language regarding indemnifications,
- Increasing the general liability coverage from \$1,000,000/\$2,000,000 per occurrence/aggregate to \$2,000,000 per occurrence,
- Adding waiver of subrogation language to workers compensation insurance,
- Adding specific additional insured language,
- Including a primary coverage provision and,
- Including the requirement that the Authority be notified if policy is cancelled.

She reported that the Administrative/Finance Committee reviewed these changes and recommended approval of the proposed updates to Procedure 28 – Risk Transfer Procedure.

Mr. Kuhn asked if by making these changes is the Board creating issues for smaller contractors by increasing the general liability coverage to \$2M. He suggested that he and legal counsel could have a call with JPIA to discuss this further.

Mr. Whitehead commented that it would be beneficial to consider a waiver for smaller vendors, if possible, and suggested that staff consider adding criteria to the policy to aid in making a determination of such a waiver.

After detailed discussion, Mr. Schoellerman reported that staff would work with legal counsel on the suggestions and take this item to the Admin/Finance Committee for further review.

*Discussion/Action Regarding*

After some discussion, Mr. Kuhn moved to approve the

*ACWA Election for Election for  
President and Vice-President*

ACWA Nominating Committee's recommended slate of Pamela Tobin for President and Cathy Green for Vice-President. Ms. Noriega seconded the motion, and it was approved by the following roll call vote:

AYES: MUNOZ, PAULSON, MARQUEZ, KUHN,  
NORIEGA, WHITEHEAD, CHAVEZ

NO: NONE

ABSENT: NONE

***Legislative/Public Information  
Committee Report***

Mr. Schoellerman reported that the minutes for the committee meeting were enclosed for review.

*Discussion/Action Regarding the  
WQA Act Extension*

Mr. Schoellerman reported that at its October Legislative/Public Information meeting, the committee discussed the need to extend WQA's sunset beyond July 1, 2030, to prevent the current date from becoming a hindrance to WQA's mission. He indicated that one potential example is the renegotiation of the Baldwin Park Operable Unit Project Agreement which currently expires in 2027. He reviewed a list of previous extensions dating back to the first sunset date of July 1, 1995. He also noted that other considerations are related to federal and state funding that may require a commitment beyond the 2030 date. He reported the committee discussed an extension to either 2040 or 2050 along with an alternative of eliminating the sunset date all together. In addition, the committee noted that the WQA assessment is capped at \$10/AF in the WQA Act and that WQA currently assesses \$12/AF based on the allowable CPI increase. However, the maximum assessment allowed by the CPI increase is over \$15/AF. Therefore, it may be worth considering extending the assessment cap recognizing the inflation that has occurred since the cap was lowered to \$10/AF in 2003. He lastly reported that staff indicated that if WQA moves ahead with a sunset extension bill there is also some language in the WQA Act that could be updated to include technological advances regarding the Board election process and to clarify notices that are sent out regarding the assessment hearing process.

Mr. Marquez asked Mr. Monares what the legislative timeline would be if the WQA were decided to pursue an extension bill.

Mr. Monares noted that WQA should look for an author now so it could possibly be introduced in January. He noted that if the bill was not considered this next year, it could be re-introduced in the next legislative session.

Mr. Kuhn commented that he wanted to make sure an extension was in place before the start of BPOU negotiations and prior to the legislative term limits when new legislators are

in place.

Mr. Paulson asked if the WQA considers raising the cap on the assessment in an extension bill would that create push back and would it be better to leave the cap as is in a new extension bill?

Mr. Whitehead commented that back when the WQA was created there was concern of this agency being another layer of government. He suggested that staff reach out to the stake holders and producers to gain a consensus.

Ms. Munoz commented that she felt it was important for the WQA to navigate this topic and do some outreach and to have staff bring back more information for the Board to discuss.

Ms. Noriega commented that she concurs with the comments made so far and reminded everyone that the sustainability of the agency is a concern for all. She noted that stakeholders are going to be interested in their direct benefit with the WQA and those concerns need to be addressed.

Mr. Schoellerman indicated that he would communicate with stakeholders and report back to the board.

#### **OTHER ACTION/INFORMATION ITEMS**

##### ***Results of the Nomination Period for WQA Board Member Representing Cities With Prescriptive Pumping Rights***

Mr. Schoellerman reported that the nomination period closed on October 15, 2021, and two nominations were received: Robert Gonzalez, City of Azusa and Jorge Marquez, City of Covina.

Ms. Moreno reported that elections ballots would be mailed out on October 28<sup>th</sup> and all votes must be received by December 14, 2021, at 12pm. She noted that the 2020 Census data had not been finalized and that the 2010 Census data would be used.

##### ***Discussion/Action Regarding AB 361 – Relaxed Teleconferencing Procedures***

Mr. Padilla reported that on September 16, 2021, Governor Newsom signed Assembly Bill (AB) 361 (Rivas, 2021) which authorizes local agencies to continue to hold public meetings remotely under modified teleconferencing requirements set forth in the Brown Act (Government Code section 54953(b)(3)) during a state-declared emergency, as that term is defined, *and* when either state or local health officials have imposed or recommended measures to promote social distancing, *or* in situations when the legislative body has determined that meeting in person would present imminent risks to the health or safety of attendees. He noted that AB 361 went into effect immediately and sunsets on January 1, 2024.

He indicated that should the Board wish to continue holding remote meetings in accordance with the relaxed rules of AB 361, the Board would need to adopt Resolution No. 21-005. He noted that once the initial authorizing resolution is adopted, ongoing authorization every thirty (30) days is required by majority vote.

*Adopt Resolution No. 21-005*

After brief discussion, Mr. Whitehead moved to adopt Resolution No. 21-005. Mr. Marquez seconded the motion, and it was adopted by the following roll call vote:

AYES: MUNOZ, PAULSON, MARQUEZ, KUHN, NORIEGA, WHITEHEAD, CHAVEZ

NO: NONE

ABSENT: NONE

**PROJECT REPORTS**

Mr. Colby reported that WQA has received access to two more sites for the site investigation in the SEMOU. He also reported that construction continues at Monterey Park's Delta Plant on their PFAS treatment project. He noted that there was a Puente Valley Operable Unit (PVOU) technical meeting where EPA announced they have issued for comment an Explanation of Significant Differences to the PVOU Record of Decision to include recharge as an additional discharge option of the treated water.

**ATTORNEY'S REPORT**

None.

**LEGISLATIVE REPORT**

Mr. Monares reported that the Governor has announced another request for 15% reduction in water use. He also reported that the House was still working on the infrastructure package bill.

**EXECUTIVE DIRECTOR'S REPORT**

Mr. Schoellerman reported that EPA has released their PFAS action plan. He also commented that it was Water Professionals Appreciation Week last week and commended Ms. Moreno on the social media posts recognizing the WQA staff.

**FUTURE AGENDA ITEMS**

None.

**FUTURE BOARD AND COMMITTEE MEETINGS**

The next Administrative/Finance Committee meeting is scheduled for Tuesday, November 9, 2021, at 10:00am.

The next Legislative/Public Information Committee meeting was scheduled for Wednesday, November 10, 2021, at 11:00am.

The next WQA Board meeting is scheduled for Wednesday, November 17, 2021, at 12:00pm.

**BOARD MEMBERS'  
COMMENTS/  
REPORTS**

Mr. Kuhn wished Mr. Marquez luck on his WQA election.


Ms. Noriega commended staff on their work and their social media posts.

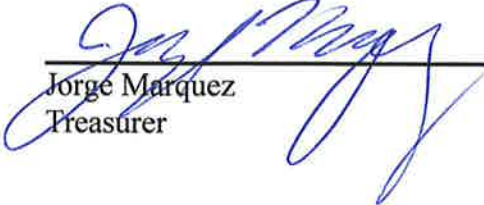
Mr. Whitehead commented the WQA was fortunate for the staff that it has.

Ms. Munoz thanked everyone for their hard work.

**ADJOURNMENT**

The Chairwoman asked if there were any other items of business to come before the Board. There being none, the meeting was adjourned to November 17, 2021.

  
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Valerie Munoz  
Chairwoman

  
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Jorge Marquez  
Treasurer