



**REGULAR MEETING
OF THE BOARD OF DIRECTORS**

**Chino Basin Water Conservation District
District Office
4594 San Bernardino Street
Montclair, CA 91763**

Monday, February 10, 2020

MINUTES

INVOCATION – Director Gil Aldaco gave the invocation.

CALL TO ORDER AND FLAG SALUTE – President King called the meeting to order at 10:01 a.m. and led the audience in the flag salute.

ROLL CALL

Board Members Present: President Terry King
Vice President Margaret Hamilton
Treasurer Marc Gruposso
Director Gil Aldaco
Director Hanif Gulmahamad
Director Mark Ligtenberg
Director Ryan Sonnenberg

Board Members Absent: None

General Counsel Present: Leland McElhaney, Esq.

Staff Present: Executive Director Elizabeth Skrzat
Deputy Executive Director Kristen Weger
Community Programs Manager Maia Dean
Acting Board Clerk/Administrative Coordinator Alicia Fernandez
Board Clerk/Administrative Coordinator Daniel Lopez
Community Programs Specialist Monica Curiel
Conservation Specialist I Brandon Burgess
Conservation Technician I Daniel Moreno
Community Programs SAWPA Intern Paulina Mejia

Visitors Present: None

The Board of Directors recessed the Regular Board meeting for a photo session at 10:05 a.m. and reconvened after the photo session at 10:10 a.m.

ADDITIONS OR CHANGES TO THE AGENDA – None.

PRESENTATIONS

Mid-Year Budget Presentation – Kristen Weger, Deputy Executive Director

Deputy Executive Director Kristen Weger presented to the Board of Directors an update on the Mid-Year Budget as of fiscal quarter ending December 31, 2019. Mrs. Weger briefly discuss the existing cash reserves in LAIF, CalTrust, checking, and petty cash accounts which totaled to \$10,895,626. The proposed mid-year budget adjustments yield a net zero impact of zero to total budgeted expenses for FY 2019-2020 and the transfers out were due to salary adjustment pool, fence expense, the 70th Year Anniversary, and the FY 20 Basin Expenses. The transfers in were due to conference and tour fees, consulting fees, legal fees, computer/technical support, utilities, conference and tour fees for the staff, recruitment, facilities, basin percolation maintenance, signage, outreach events, and website design/maintenance. In conclusion, an amount of \$121,350 will be available for anticipated upcoming projects including, but not limited to grant writer consulting services, human resources consultant, and social media advertising.

CONSENT CALENDAR

1. **Minutes**
 - a. **January 13, 2020 – Regular Board Meeting. Approve.**
 - b. **January 23, 2020 – Ad Hoc Committee Meeting. Pulled.**
 - c. **January 28, 2020 – Ad Hoc Committee Meeting. Pulled.**
 - d. **February 3, 2020 – Personnel Committee Meeting. Approve.**
 - e. **February 6, 2020 – Finance Committee Meeting. Approve.**
2. **Financial Reports.**
 - a. **December 2019.** Approve.
3. **AB 1234 - Director Travel, Training and Meeting Report.** Approve.
4. **Board Compensation and Reimbursement for Listed Events per Policy 47.** Approve.
5. **Fiscal Year 2019-2020 Mid-Year Budget Adjustments.** Approve

Prior to carrying a motion to approve the Consent Calendar President King had a question to the District Counsel regarding the meeting minutes. President King stated that the Ad Hoc committee does not have any backup as part of the agenda, primarily because they are mainly closed session items. President King stated that he thinks it would be more appropriate that when the Bard takes a Consent Calendar motion on an item that does not have any backup documentation, that the annotation should state “Receive by Board” rather than “Approve”.

More importantly he asked if by the Board approves the minutes, does it constitute that the Board is approving the content. Counsel Leland McElhaney stated that it does. President King Pulled the Ad Hoc Committee Meeting Minutes on January 23, 2020 and January 28, 2020 and made a motion that they simply be received by the Board. A recommendation was made by President King to take a separate vote for Item 1.b and Item 1.c, as just having received the minutes by the Board, as well as recommending that annotation for future Meeting Minutes that do not have any backup documentation.

Treasurer Gruposso asked President King if he wants anything that is going to be discussed that will have a vote to be listed in the meeting minutes as well. President King answered stating that he would like backup information and/or a summary of the items discussed on the AdHoc Committee, as a hard copy or via email. President King stated that it should be a separate attachment so that he is able to the read information in advance before the Regular Board Meeting.

Director Aldaco asked Counsel Leland McElhaney if that is done, if it would be a violation of the Brown Act. Counsel McElhaney stated that he believed it not to be a violation and that any meeting minutes that are provided to the Board to make a determination on whether to approve them, as well as anything that is going to be approved should be attached and that does not violate the Brown Act.

Director Aldaco gave an example, and asked if the Ad Hoc Committee met to relieve legal services from this District and a vote is taken as a group for the services to be relived, would that be distributed to the Board? Counsel McElhaney stated that in that scenario the Ad Hoc Committee would be making a recommendation for the Board to take that certain action.

Treasurer Gruposso mentioned that he will provide a written summary report of what was discussed at the Ad Hoc Committee to President King.

Executive Director Elizabeth Skrzat invited Deputy Director Kristen Weger to express a concern that was made to her. Before allowing Mr. Weger approach the Board he stated the distinction he is trying to draw is that the minutes for closed session only state who was there without further information and cannot approve the minutes because he doesn't have anything to look at to approve and does not want them in the calendar as approved. President King asked if a standing Committee makes specific recommendations, vote on them, and they are stated on the Meeting Minutes – does that mean that the Board would be approving the action? Counsel McElhaney stated that the Board would be approving the meetings themselves and if the Committee meets and determines to make a recommendation to the Regular Board that will be an item to be approved in the Regular Board Meeting. McElhaney clarified that by approving the minutes the Board is only approving the minutes that the Committee made a recommendation to the Board, not approving the actual recommendation. Executive Director Skrzat stated that the Board would be acknowledging that the recommendation would be made without approving the recommendation itself. President King then asked why the minutes couldn't just be annotated as received. He also referred back to a Committee Meeting regarding the Confluence Project in which the Board voted on certain things to happened and the Board

approved the minutes, and asked Counsel McElhaney if the Board approved the action that was taken in that Committee Meeting – Counsel McElhaney state that he would have to take a look at the specifics. President King recommended that in the future all Meeting Minutes should state “Received” and asked for guidance. Counsel McElhaney stated that he would like to give it some more thought but stated that generally speaking when the Board is simply receiving minutes no one can contend later on that it somehow approved something that it was not fully aware of. Counsel McElhaney also distinguished that when a Committee takes a vote for a recommendation the minutes do not approve the recommendations. Mrs. Weger stated that the District did post the Ad Hoc Committee Meeting Agenda to the public and is seeking Counsel’s direction on whether to approve them today or not since it was posted. Mrs. Weger also stated that she does believe the Board should take action on approving or receiving of the minutes either at the February 10th meeting or at a later meeting. Counsel McElhaney asked what was specifically posted, and Mrs. Weger stated the Agenda Ad Hoc Committee Agenda which out of that should come minutes but referred to Counsel, which he stated that simply posting the agenda does not require anything further at this point.

Motion carried on 7-0-0-0 vote to approve items #1-5 of the Consent Calendar.

MOVED: King

SECONDED: Ligtenberg

APPROVED: 7-0-0-0

AYES: King, Hamilton, Grupposo, Aldaco, Gulmahamad, Ligtenberg, Sonnenberg

NOES: None

ABSTAIN: None

ABSENT: None

PUBLIC HEARINGS – None.

PUBLIC COMMUNICATIONS – None.

DISCUSSION ITEMS

6. **Resolution No. 2020-02 of the Board of Directors of the Chino Basin Water Conservation District in Support of the Inland Empire Utilities Agency CalRecycle Grant.**

Deputy Executive Director Kristen Weger presented Resolution No. 2020-02 to the Board of Directors to support grant funding by CalRecycle. Earlier in the year the Board directed staff to identify ways to reduce trash accumulation in the Basin and a grant with CalRecycle was identified by Inland Empire Utilities Agency (IEUA) with potential funding for up to \$500,000.00. The grant will help the Chino Basin Water Conservation District (District) build additional trash racks in the Basin with cooperation with Chino Basin Water Masters, San Bernardino Flood Control District, and IEUA. Furthermore, IEUA is recommending and would like to apply for this grant and is not asking for any financial contribution from the District, but simply a Resolution of support. If awarded the in-house engineers will review any trash concept designs prior to any installations. In conclusion a recommendation to approve the District’s Resolution No. 2020-02 to support IEUA’s grant efforts.

stated that he considered it a personal front to him, to his integrity and his character. Counsel McElhaney informed Director Aldaco that the items needed to be discussed and Director Aldaco stated he understood but that he also has the option to make that call and asked if Counsel McElhaney disagreed. Counsel McElhaney stated that he did disagree with Director Aldaco; therefore, Director Aldaco again suggested discussing the items in closed session as well as Counsel McElhaney researching the matter.

Director Gulmahamad asked Counsel McElhaney if Items 8 and 9 were able to be discussed in closed session as opposed to in public. According to Counsel McElhaney the matters that are allowed to be discussed behind closed session are narrow, per government code sections that limit the types of matters discussed in closed session; otherwise, except for those limited statutory exceptions all business to be conducted by the Board needs to be conducted in an open session. Counsel McElhaney also stated that in regards to any personnel matters, per the statute, authorizes closed session with respect to evaluations of employees and disciplinary action taken against employees. Other than that there is no statutory exception with respect to personnel issues. Counsel McElhaney continues to explain that Items 8 and 9 has to do with the restructure of the management. Director Aldaco stated that Item 8 was with respect to disciplinary action, but Counsel McElhaney stated that it is not. Director Aldaco continued to disagree with Counsel McElhaney. Furthermore, Counsel McElhaney mentioned that Director's Aldaco statement that Items 8 and 9 are somehow personal affront to him means that Items 8 and 9 are to be removed from the agenda and no action taken – Director Aldaco agreed. Counsel McElhaney explained how he is not aware of the authority that supports that decision. Director Aldaco directed Counsel McElhaney to speak to the Chair and Counsel McElhaney stated that he would appreciate an opportunity to consider that, but Director Aldaco stated that he stood by his decision.

President King asked if it would be appropriate to table Items 8 and 9 because of Director Aldaco's concern and his own concerns regarding the job descriptions. He also stated that he would like to see organizational chart. President King made a motion to table Items 8 and 9 until the next board meeting to address concerns that all Board members have.

Counsel McElhaney made an observation that that the items to be discussed, if they will be discussed, Items 8 and 9 have been an issues since September of 2019 and the Board had authorized certain action be taken such as hiring an expert consultant to interview all the board members, all employees, and even former employees and made recommendations and had a sense that there was a sense of urgency to resolve the issues, with that said he stated that if there is good reason to table an item and if the Board member move in favor of that then that is the action to be taken.

Director Gulmahamad asked who finalized the job descriptions and Counsel McElhaney stated that it was a collaborative effort with the expert consultant and himself, all based upon the expert consultant's recommendations. Director Aldaco mentioned obtaining a second opinion. President King stated that he would like the expert consultant to be

present to explain or answer any questions regarding the changes because he understands the concept but he is not sure he agrees with the changes in the job descriptions. Counsel McElhane stated that he does agree that it would be appropriate for the expert consultant to be here to answer any questions.

Director Aldaco asked Executive Director Skrzat if she had anything to add, and she took the opportunity to state that she had not had the opportunity to see the report or speak with Mr. Wayne McAfee, PhD in any formal capacity. Therefore, Mrs. Skrzat has not had an opportunity to solve any of the problems that might have been raised in the report. Also, Mrs. Skrzat had concerns with some interaction that she had with Mr. Wayne McAfee, PhD and his associates that she would like to discuss behind closed session. Lastly, Mrs. Skrzat stated that she believed some unfounded assumptions were made regarding her work experience, which influenced the report.

The Board discussed whether Item 8 and Item 9 would be discussed in a Regular Board Meeting or a Special Board Meeting – they decided on a Special Board Meeting.

The Board took a vote on tabling Item 8 and Item 9.

President King asked if someone would like to make a motion to discuss Item 8 and 9 in a Special Board Meeting. Director Gulmahamad made a motion and Vice President Hamilton seconded that motion.

Motion carried on 7-0-0-0 vote to approve Item 8. Executive Director and Deputy Executive Director Job Descriptions.

MOVED: King

SECONDED: Gulmahamad

APPROVED: 7-0-0-0

AYES: King, Hamilton, Gruposso, Aldaco, Gulmahamad, Ligtenberg, Sonnenberg

NOES: None

ABSTAIN: None

ABSENT: None

9. **Professional Services with The Counseling Team International**

President King made a motion to table Item 9 to a Special Board Meeting to address concerns that all Board members have.

Motion carried on 7-0-0-0 vote to approve Item 9. Professional Services with The Counseling Team Internationaems #1-5 of the Consent Calendar.

MOVED: King

SECONDED: Gulmahamad

APPROVED: 7-0-0-0

AYES: King, Hamilton, Gruposso, Aldaco, Gulmahamad, Ligtenberg, Sonnenberg

NOES: None

ABSTAIN: None

ABSENT: None

UNFINISHED BUSINESS – None.

NEW BUSINESS – None.

INFORMATIONAL ITEMS

Vice President Hamilton directed the Board to the following written materials provided in their agenda package for review:

- 1) Strategic Plan – Monthly Programs Update (Written)
- 2) Correspondence (Written)

DIRECTOR ORAL REPORTS

President King: Nothing to report.

Vice President Hamilton reported on the following:

- January 23, 2020 – IEUA Field Trip
- January 27, 2020 – ASBCSD Meeting-Onboarding to Success
- February 3, 2020 – CBWCD Personnel Committee
- February 5, 2020 – CBWCD Education Committee

Treasurer Gruposso:

- January 23, 2020 – CBWCD Ad Hoc Committee Meeting
- January 27, 2020 – ASBCSD Meeting-Onboarding to Success
- January 28, 2020 – CBWCD Ad Hoc Committee Meeting
- February 3, 2020 – CBWCD Personnel Committee
- February 6, 2020 – CBWCD Finance Committee Meeting

Director Aldaco reported on the following:

- January 23, 2020 – CBWCD Ad Hoc Committee Meeting
- January 23, 2020 – So. Cal. Water Committee
- January 24, 2020 – SCWC Quarterly Luncheon
- January 24, 2020 – Incoming Leaders Workshop (CBWM)
- January 27, 2020 – ASBCSD Meeting-Onboarding to Success
- January 28, 2020 – CBWCD Ad Hoc Committee Meeting
- January 29, 2020 – Business Breakfast Chino Hills Community Center
- January 30, 2020 – Three Valleys Leadership Breakfast
- February 6, 2020 – CBWCD Finance Committee Meeting
- February 7, 2020 – Southern CA Affordability Symposium

Director Gulmahamad reported on the following:

- ***See attached written report***

Director Ligtenberg reported on the following:

- February 5, 2020 – CBWCD Education Committee

Director Sonnenberg reported on the following:

- January 23, 2020 – CBWCD Ad Hoc Committee Meeting
- January 28, 2020 – CBWCD Ad Hoc Committee Meeting
- February 3, 2020 – CBWCD Personnel Committee

STAFF ORAL REPORTS

Executive Director/Secretary reported on the following:

Executive Director Skrzat thanked the Vice President Hamilton and Directors Gulmahamad, Aldaco, and Grupposo for attending the ASBCSD Meeting-Onboarding to Success event and stated that she would like to see how the District could emulate the onboarding programs that was discussed. Lastly, Mrs. Skrzat thanked Vice President Hamilton for joining Community Programs Manager Maia Dean and herself at the IEUA fieldtrip which helped everyone understand how the fieldtrips differ and how the spaces differ as well.

Board Attorney – Nothing to report.

CLOSED SESSION – The Board recessed to closed session at 11:18 p.m. to consider the following closed session items:

CONFERENCE WITH LEGAL COUNSEL. Pursuant to Government Code Section 54957(b)(1) and (3) personnel matters, exclusion of witnesses; and section 54957.6 employee salaries/benefits.

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION: Pursuant to Government Code Section 54956.9(d)(1); AMERICAN SAFETY CASUALTY INSURANCE COMPANY, an Oklahoma corporation; vs. CHINO BASIN WATER CONSERVATION DISTRICT; and DOES 1 through 50, inclusive; and related Cross-Complaint; San Bernardino Superior Court Case No.: CIVDS 1510122.

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION. Significant exposure to litigation pursuant to Government Code Section 5456.9(e)(3): Board will consider further action in response to the claim of Kaiser Permanente.

The meeting reconvened at 1:40 p.m. Board Attorney McElhaney reported that the Board met in closed session; no reportable action.

ADJOURN

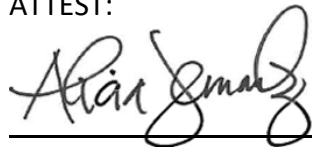
Vice President Hamilton adjourned the meeting at 1:41 p.m. to the next regular Board meeting of the Chino Basin Water Conservation District to be held on Monday, March 9, 2020 at 10:00 a.m. at the District Headquarters, located at 4594 San Bernardino Street, Montclair, CA 91763.

APPROVED AND ADOPTED THIS 10TH DAY of FEBRUARY 2020.



Elizabeth Skrzat, Executive Director

ATTEST:



Alicia Fernandez, Acting Board Clerk/Administrative Coordinator