

Minutes of the Regular Meeting of the Board of Directors of the Santa Clarita Valley Water Agency – August 20, 2019

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A regular meeting of the Board of Directors of the Santa Clarita Valley Water Agency was held at the Santa Clarita Valley Water Agency located at 27234 Bouquet Canyon Road, Santa Clarita, CA 91350 at 6:30 PM on Tuesday, August 20, 2019. A copy of the Agenda is inserted in the Minute Book of the Agency preceding these minutes.

DIRECTORS PRESENT: B. J. Atkins, Tom Campbell, Ed Colley, Kathy Colley, William Cooper, Robert DiPrimio, Jerry Gladbach, Maria Gutzeit, R. J. Kelly, Gary Martin, Dan Mortensen and Lynne Plambeck (arrived at 6:43 PM).

DIRECTORS ABSENT: None.

Also present: Matthew Stone, General Manager; Tom Bunn and Joe Byrne, General Counsel; April Jacobs, Board Secretary; Steve Cole, Assistant General Manager; Keith Abercrombie, Chief Operating Officer; Eric Campbell, Chief Financial and Administrative Officer; Rochelle Patterson, Director of Finance and Administration; Dirk Marks, Director of Water Resources; Mike Alvord, Director of Operations and Maintenance; Cris Perez, Director of Technology Services; Kathie Martin, Public Information Officer; Jeff Herbert, Senior IT Technician; Terri Bell, Administrative Assistant; and members of the public.

President Cooper called the meeting to order at 6:30 PM. A quorum was present.

Upon motion of Director Mortensen, seconded by Director Gladbach and carried, the Agenda was approved by the following electronic votes (Item 4):

Director Atkins	Yes	Director Campbell	Yes
Director E. Colley	Yes	Director K. Colley	Yes
President Cooper	Yes	Director DiPrimio	Yes
Director Gladbach	Yes	Vice President Gutzeit	Yes
Director Kelly	Yes	Vice President Martin	Yes
Director Mortensen	Yes	Director Plambeck	Not Present

Upon motion of Director K. Colley, seconded by Director Gladbach and carried, the Board approved the Consent Calendar by the following electronic votes (Item 5):

Director Atkins	Yes	Director Campbell	Yes
Director E. Colley	Yes	Director K. Colley	Yes
President Cooper	Yes	Director DiPrimio	Yes
Director Gladbach	Yes	Vice President Gutzeit	Yes
Director Kelly	Yes	Vice President Martin	Yes
Director Mortensen	Yes	Director Plambeck	Not Present

Upon motion of Director Gladbach, seconded by Director Atkins and carried, the Board approved Resolution No. SCV-118 entering into a contract with Van Scoyoc Associates and selected Option 1 having dual representation until the end of year at which time it will be brought back to the Board for review by the following electronic votes (Item 6.1):

Director Atkins	Yes	Director Campbell	Yes
Director E. Colley	Yes	Director K. Colley	Yes

President Cooper	Yes	Director DiPrimio	Yes
Director Gladbach	Yes	Vice President Gutzeit	Yes
Director Kelly	Yes	Vice President Martin	Yes
Director Mortensen	Yes	Director Plambeck	Yes

**RESOLUTION NO. SCV-118**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE  
SANTA CLARITA VALLEY WATER AGENCY  
TO ENTER INTO A CONTRACT WITH VAN SCOYOC ASSOCIATES, INC.**

**WHEREAS**, the Board of Directors has determined that good relations with all branches of government is in the best interests of the Agency; and

**WHEREAS**, the Board of Directors has determined that it is critical for the Agency to have a voice when water issues that might impact the Agency are being debated locally and in Sacramento and Washington; and

**WHEREAS**, the Agency has concluded that being aware of, and competing for, any available funding from the state and federal governments is beneficial to its operations; and

**WHEREAS**, the Agency has determined that using firms knowledgeable in governmental processes at all levels and familiar with governmental representatives and their staffs is of benefit to the Agency's customers; and

**WHEREAS**, the Board finds, that Van Scoyoc Associates, Inc., (VSA), offer services and have capabilities that meet Agency's needs to perform these governmental relations tasks.

**NOW THEREFORE, BE IT RESOLVED**, that the Board of Directors of the Santa Clarita Valley Water Agency does authorize the General Manager to execute a contract with Van Scoyoc Associates, Inc., (VSA) for legislative advocate services.

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Upon motion of Director Gladbach, seconded by Director K. Colley and carried, the Board approved Resolution No. SCV-119 (1) authorizing the General Manager to enter into a funding agreement with DWR and take any necessary actions related to such, that authorizes DWR to use the remaining gap funding agreement funds for DWR's planning and design costs related to a potential new Delta conveyance option and (2) determining that such expenditures under that proposed funding agreement do not constitute a project under CEQA, CESA or any other law that activities contemplated under the proposed funding agreement are exempt from CEQA by the following electronic votes (Item 6.2):

Director Atkins	Yes	Director Campbell	Yes
Director E. Colley	Yes	Director K. Colley	Yes
President Cooper	Yes	Director DiPrimio	Yes
Director Gladbach	Yes	Vice President Gutzeit	Yes
Director Kelly	Yes	Vice President Martin	Yes
Director Mortensen	Yes	Director Plambeck	Yes

Public comment was then received on Item 6.2. Director E. Colley asked that the Board revote on item 6.2 to verify that the Board had not changed any of their votes based on the public comment received.

By motion of Director Gladbach, seconded by Director Atkins and carried, the Board reapproved Resolution No. SCV-119 authorizing the General Manager to enter into a funding agreement with DWR and take any necessary actions related to such, that authorizes DWR to use the remaining gap funding agreement funds for DWR's planning and design costs related to a potential new Delta conveyance option and (2) determining that such expenditures under that proposed funding agreement do not constitute a project under CEQA, CESA or any other law that activities contemplated under the proposed funding agreement are exempt from CEQA by the following voice votes (Item 6.2):

Director Atkins	Yes	Director Campbell	Yes
Director E. Colley	Yes	Director K. Colley	Yes
President Cooper	Yes	Director DiPrimio	Yes
Director Gladbach	Yes	Vice President Gutzeit	Yes
Director Kelly	Yes	Vice President Martin	Yes
Director Mortensen	Yes	Director Plambeck	No

#### RESOLUTION NO. SCV-119

#### RESOLUTION OF THE BOARD OF DIRECTORS OF THE SANTA CLARITA VALLEY WATER AGENCY AUTHORIZING THE GENERAL MANAGER TO ENTER INTO A FUNDING AGREEMENT WITH DWR FOR PRELIMINARY PLANNING AND DESIGN COSTS RELATED TO A POTENTIAL NEW DELTA CONVEYANCE OPTION

**WHEREAS**, on June 5, 2018, the Board of Directors of Santa Clarita Valley Water Agency ("Agency") adopted Resolution No. SCV-42, which adopted CEQA responsible agency findings and took other CEQA actions, which authorized the Agency's financial participation in California WaterFix, and which authorized the General Manager to execute a gap funding agreement with the Department of Water Resources ("DWR") to provide funds to help fund DWR's preconstruction costs of the California WaterFix Project; and

**WHEREAS**, the Agency subsequently executed such gap funding agreement with the Department in September 2018; and

**WHEREAS**, the DWR Director rescinded DWR's approval of the California WaterFix Project on May 2, 2019; and

**WHEREAS**, as a result of DWR's action, there is no longer a California WaterFix Project and the DWR notified the Agency that it would not expend funds contributed under the gap funding agreement for any other purpose absent specific authorization. To date, approximately 7.7% of the gap funding agreement funds have been spent; and

**WHEREAS**, in a letter to State Water Project Contractors dated May 2, 2019, the DWR Director indicated that the Governor intends to take a fresh look at a potential new Delta Conveyance option; and

**WHEREAS**, the Delta needs to be modernized to protect State Water Project reliability and the environment, and exploring a potential new Delta Conveyance option of some kind is in the best interest of the Agency; and

**WHEREAS**, it is in the Agency's interest to enter into a new funding agreement with DWR to authorize the remaining unencumbered gap funding agreement funds to be used for preliminary planning and design costs incurred after May 2, 2019 related to a potential new Delta Conveyance option; and

**WHEREAS**, the Board of Directors of the Agency desires to authorize its General Manager to execute a funding agreement with DWR in an amount equal to the remaining gap funding agreement funds for preliminary planning and design costs incurred after May 2, 2019 related to a potential new Delta Conveyance option; and

**WHEREAS**, the Board of Directors of the Agency similarly desires to clarify that any current and/or future actions are not based upon and do not rely upon DWR's decertified WaterFix EIR or DWR's rescinded WaterFix approvals.

**NOW THEREFORE, BE IT RESOLVED** that the Board of Directors of the Agency does hereby find and determine and resolve as follows:

1. Authorization to General Manager: The General Manager is authorized to enter into a funding agreement with DWR, and take any necessary actions related to such, that authorizes DWR to use the remaining gap funding agreement funds, which equal approximately \$960,000 for DWR's planning and design costs related to a potential new Delta Conveyance option.
2. No project approvals: This action merely authorizes the expenditure of certain funds to cover planning and design costs necessary for the careful review and meaningful evaluation of a potential new Delta Conveyance option by DWR, including but not limited to costs associated with the completion of environmental review and analysis under the California Environmental Quality (CEQA), California Endangered Species Act (CESA), and other related environmental laws. This Resolution, however, does not authorize the expenditure of funds on any construction, land acquisitions, or any other implementation actions that may or may not be required for a Delta Conveyance option, in the event any such option is ever approved. Additionally, this Resolution does not grant any vested entitlement, does not bind the Agency to issuing any future approvals related to a Delta Conveyance option, and does not restrict the Agency's consideration of feasible alternatives (including the "no project" alternative) or mitigation measures in the event that any future project approvals are ever requested from the Agency. As such, the expenditures authorized through this Resolution do not constitute the approval of any Delta Conveyance project under CEQA, CESA, or any other law, and the planning, analysis, information gathering, and similar activities contemplated by this Resolution are otherwise exempt from CEQA. (See State CEQA Guidelines, §§ 15262, 15306, 15378.)

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Upon motion of Director Kelly, seconded by Director Atkins and carried, the Board approved the amendments to the Board's Policies and Procedures Manual which consisted of (1) allowing Board members to attend pre-approved single day events (Category 2 events) within the

Agency service area at the Agency's expense and not have such events count towards the Category 2 limit of twelve per year if the Director does not request and receive Per Diem for attending and (2) that language be added to the policy to allow for more reasonable pre and post conference or event lodging when events start or end at times that make travel on the same day difficult. The Board added clean-up language on (1) approvals for attendance at conferences to include the Vice Presidents (2) per diems on Committees and conferences that members are required to attend and (3) clarifying language on attendance at Committee meetings that are before a conference by the following electronic votes (Item 6.3):

Director Atkins	Yes	Director Campbell	Yes
Director E. Colley	Yes	Director K. Colley	Yes
President Cooper	Yes	Director DiPrimio	Yes
Director Gladbach	Yes	Vice President Gutzeit	Yes
Director Kelly	Yes	Vice President Martin	Yes
Director Mortensen	Yes	Director Plambeck	Yes

Director of Operations and Maintenance Mike Alvord gave an updated presentation on PFAS (Item 7).

By motion of Director Kelly, seconded by Director Gladbach and carried, the Board approved the appointments for the ACWA 2020/2021 Committees as listed on the agenda and approved the appointment of Tom Bunn for the Groundwater Committee as well as adding Dennis Albiani for the Legislative Committee by the following electronic votes (Item 8.1 and 8.2):

Director Atkins	Yes	Director Campbell	Yes
Director E. Colley	No	Director K. Colley	No
President Cooper	Yes	Director DiPrimio	Yes
Director Gladbach	Yes	Vice President Gutzeit	Yes
Director Kelly	Yes	Vice President Martin	Yes
Director Mortensen	No	Director Plambeck	Yes

The General Manager reported on the August 7, 2019 Blue Ribbon Committee regarding PFAS, the August 8, 2019 Lunch and Learn on Water Quality for staff presented by Ryan Bye and Jeff Koeleywn, discussed the August 9, 2019 PFAS Task Force meeting, the August 14-16, 2019 Urban Water Institute Annual Conference, and the recent findings of Perchlorate in Well Q2 (Item 9).

President Cooper discussed the recent resignation of Director Acosta, and asked the Board if there was any objection to him sending a letter to Supervisor Barger, asking her to consider eliminating or not filling the appointed position for Los Angeles County Water Works District No. 36. There was no objection from the Board. President Cooper also updated the Board on upcoming events (Item 10).

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**AB 1234 Reports (Item 11).**

Written reports were submitted by Vice President Martin and Directors Gladbach and Plambeck and were included in the Board packet. Additional written reports were submitted by Vice President Martin which were handed out and are part of the record.

President Cooper reported that he and Vice Presidents Gutzeit and Martin attended the August 7, 2019 Blue Ribbon Committee meeting held at RVWTP.

Director Kelly reported that he attended the 2019 Urban Water Institute Annual Conference held in San Diego on August 14-16, 2019.

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**Director Reports (Item 12).**

President Cooper reported on the Blue Ribbon Committee and how great the Assistant General Manager Steve Cole did on his presentation on PFAS.

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Upon motion of Director Mortensen, seconded by Director K. Colley and carried, the Board went into Closed Session at 8:28 PM to discuss the items listed on the Agenda by the following electronic votes (Item 13):

Director Atkins	Yes	Director Campbell	Yes
Director E. Colley	Yes	Director K. Colley	Yes
President Cooper	Yes	Director DiPrimio	Yes
Director Gladbach	Yes	Vice President Gutzeit	Yes
Director Kelly	Yes	Vice President Martin	Yes
Director Mortensen	Yes	Director Plambeck	Yes

Upon motion of Director Gladbach, seconded by Director K. Colley and carried, the Board voted to come out of Closed Session at 9:02 PM by the following electronic votes (Item 13):

Director Atkins	Yes	Director Campbell	Yes
Director E. Colley	Yes	Director K. Colley	Yes
President Cooper	Yes	Director DiPrimio	Yes
Director Gladbach	Yes	Vice President Gutzeit	Yes
Director Kelly	Yes	Vice President Martin	Yes
Director Mortensen	Yes	Director Plambeck	Yes

President Cooper reconvened the Open Session at 9:02 PM.

Tom Bunn, Esq., reported that in regards to Item 13.2 Conference with Legal Counsel – Anticipated Litigation – Significant Exposure to Litigation Pursuant to Paragraph (2) of Subdivision (d) of Section 54956.9: Claim of Paul Halushka against Santa Clarita Valley Water Agency, Date of Claim July 16, 2019, the Board took action to deny the claim by motion of Director Mortensen, seconded by Director DiPrimio and carried by the following voice votes (Item 14):

Director Atkins	Yes	Director Campbell	Yes
Director E. Colley	Yes	Director K. Colley	Yes
President Cooper	Yes	Director DiPrimio	Yes
Director Gladbach	Yes	Vice President Gutzeit	Yes
Director Kelly	Yes	Vice President Martin	Yes
Director Mortensen	Yes	Director Plambeck	Yes

There were no other actions taken in Closed Session that were reportable under the Ralph M. Brown Act (Item 14).

There were no requests for approval for event attendance (Item 15).

Director Plambeck requested a report on the status of the Audio Visual for Board meetings. This item was discussed at the August 19, 2019 Finance and Administration Committee meeting and will be going back to the Finance and Administration Committee for further review.

Director E. Colley asked that a presentation be given by General Counsel on the legal effect of an abstention vote and what it exactly means, as well as consider a Board policy clarifying what the definition of abstaining means (Item 16).

Upon motion of Director Gladbach, seconded by Director Mortensen and carried, the meeting was adjourned at 9:05 PM by the following electronic votes (Item 17):

Director Atkins	Yes	Director Campbell	Yes
Director E. Colley	Yes	Director K. Colley	Yes
President Cooper	Yes	Director DiPrimio	Yes
Director Gladbach	Yes	Vice President Gutzeit	Yes
Director Kelly	Yes	Vice President Martin	Yes
Director Mortensen	Yes	Director Plambeck	Yes

  
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April Jacobs, Board Secretary

ATTEST:

  
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President of the Board

