

Minutes of the Adjourned Meeting of the Board of Directors of the Santa Clarita Valley Water Agency – January 6, 2021

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An adjourned meeting of the Board of Directors of the Santa Clarita Valley Water Agency was held via teleconference at 6:30 PM on Wednesday, January 6, 2021. A copy of the Agenda is inserted in the Minute Book of the Agency preceding these minutes.

**DIRECTORS PRESENT:** Kathye Armitage, B. J. Atkins, Beth Braunstein, Ed Colley, William Cooper, Jeff Ford, Jerry Gladbach, R. J. Kelly, Gary Martin, Dan Mortensen, Piotr Orzechowski and Lynne Plambeck via teleconference.

**DIRECTORS ABSENT:** None.

Also present via teleconference: General Manager Matthew Stone, General Counsel Tom Bunn and Joe Byrne, Board Secretary April Jacobs, Assistant General Manager Steve Cole, Chief Financial and Administrative Officer Eric Campbell, Chief Engineer Courtney Mael, Chief Operating Officer Keith Abercrombie, Director of Finance and Administration Rochelle Patterson, Director of Operations and Maintenance Mike Alvord, Director of Water Resources Dirk Marks, Director of Tech Services Cris Perez, Resource Conservation Manager Matt Dickens, Human Resources Supervisor Ari Mantis, Principal Engineer Jason Yim, Senior Engineers Shadi Bader and Jim Leserman, Associate Engineer Elizabeth Sobczak, Senior Management Analyst Kim Grass, Financial Analyst Darine Conner, Public Information Officer Kathie Martin, Executive Assistant's Eunie Kang and Leticia Quintero, Administrative Assistant Terri Bell, Technology Administrator Jeff Herbert, Accounting Tech II Kyle Arnold, and members of the public.

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

Upon motion of Director Cooper, seconded by Director Ford and carried, the Board approved the Amended Agenda with Item 7.1 being removed for a future meeting, by the following roll call votes (Item 4):

Director Armitage	Yes	Director Atkins	Yes
Director Braunstein	Yes	Director Colley	Yes
Director Cooper	Yes	Director Ford	Yes
Vice President Gladbach	Yes	Director Kelly	Yes
President Martin	Yes	Director Mortensen	Yes
Director Orzechowski	Yes	Director Plambeck	Yes

The Board Secretary administered the Ceremonial Oath of Office to Directors Armitage, Atkins, Braunstein, Colley, Martin and Orzechowski (Item 5.1).

Upon motion of Director Cooper, seconded by Vice President Gladbach and carried, the Board voted to approve 2-year terms for both the position of Board President and Vice President(s) by the following roll call votes (Item 5.2):

Director Armitage	No	Director Atkins	Yes
Director Braunstein	No	Director Colley	No
Director Cooper	Yes	Director Ford	Yes
Vice President Gladbach	Yes	Director Kelly	No
President Martin	Yes	Director Mortensen	Yes

Director Orzechowski	Yes	Director Plambeck	No
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Upon motion of Director Plambeck, seconded by Director Braunstein and carried, the Board approved having two Vice Presidents for the current 2-year term and will revisit this item in January of 2023 by the following roll call votes (Item 5.2):

Director Armitage	Yes	Director Atkins	Yes
Director Braunstein	Yes	Director Colley	Yes
Director Cooper	Yes	Director Ford	Yes
Vice President Gladbach	Yes	Director Kelly	Yes
President Martin	Yes	Director Mortensen	No
Director Orzechowski	Yes	Director Plambeck	Yes

President Martin announced the next item of business was Agenda Item 5.3 election of Board President and Vice Presidents and requested that the Board Secretary conduct the election of officers.

After a review of the guidelines for the election process, the Board Secretary called for nominations for the position of Board President.

Director Braunstein nominated Director Martin and Director's Armitage, Colley, Cooper, Gladbach, Kelly, Orzechowski and Plambeck all supported that nomination.

With there being no further nominations, Director Martin then addressed the Board.

After a brief discussion and there being no objection to Director Martin as Board President a motion and second was requested and a vote taken as shown below.

By motion of Director Plambeck, seconded by Director Kelly and carried, Director Martin was elected to the position of Board President by the following roll call votes (Item 5.3):

Director Armitage	Yes	Director Atkins	Yes
Director Braunstein	Yes	Director Colley	Yes
Director Cooper	Yes	Director Ford	Yes
Director Gladbach	Yes	Director Kelly	Yes
Director Martin	Yes	Director Mortensen	Yes
Director Orzechowski	Yes	Director Plambeck	Yes

The Board Secretary then called for nominations for the position of the first Board Vice President (note that the first and second positions for Vice President are of equal standing).

Director Colley nominated Director Gladbach and President Martin, Directors Cooper, Kelly and Orzechowski supported that nomination. Director Atkins nominated Director Mortensen and Director Gladbach supported that nomination. Director Plambeck nominated Director Armitage and Director Braunstein supported that nomination.

There were no further nominations. Directors Armitage, Gladbach and Mortensen each then addressed the Board.

Votes were then taken, by roll call vote (as shown below), tallied and Director Gladbach received a majority vote of 7.

Director Armitage voted for herself  
Director Atkins voted for Director Mortensen  
Director Braunstein voted for Director Armitage  
Director Colley voted for Director Gladbach  
Director Cooper voted for Director Gladbach  
Director Ford voted for Director Gladbach  
Director Gladbach voted for Director Mortensen  
Director Kelly voted for Director Gladbach  
President Martin voted for Director Gladbach  
Director Mortensen voted for Director Gladbach  
Director Orzechowski voted for Director Gladbach  
Director Plambeck voted for Director Armitage

By motion of Director Kelly, seconded by Director Plambeck and carried, Director Gladbach was elected to the position of Board Vice President by the following roll call votes (Item 5.3):

Director Armitage	Yes	Director Atkins	Yes
Director Braunstein	Yes	Director Colley	Yes
Director Cooper	Yes	Director Ford	Yes
Director Gladbach	Yes	Director Kelly	Yes
President Martin	Yes	Director Mortensen	Yes
Director Orzechowski	Yes	Director Plambeck	Yes

The Board Secretary then called for nominations for the second position of Board Vice President. Director Braunstein nominated Director Armitage and Director Plambeck supported that nomination. President Martin nominated Director Colley and Director Cooper supported that nomination. Director Atkins nominated Director Mortensen and Vice President Gladbach and Director's Kelly and Orzechowski supported that nomination.

There were no further nominations. Directors Colley and Mortensen each then addressed the Board with Director Armitage having a final statement after Board questions and before the vote was taken.

Votes were then taken, by a roll call vote (as shown below), tallied and none of the nominees received a majority vote of 7.

Director Armitage voted for herself  
Director Atkins voted for Director Mortensen  
Director Braunstein voted for Director Armitage  
Director Colley abstained  
Director Cooper voted for Director Colley  
Director Ford voted for Director Colley  
Vice President Gladbach voted for Director Mortensen  
Director Kelly voted for Director Mortensen  
President Martin voted for Director Colley  
Director Mortensen abstained  
Director Orzechowski voted for Director Mortensen  
Director Plambeck voted for Director Armitage

The Board Secretary asked if there were any additional nominations or if any of the candidates would like to withdraw their name.

Director Atkins renominated Director Mortensen and Director Plambeck renominated Director Armitage and Colley.

There were no additional nominations and none of the candidates withdrew their name.

A second vote was then conducted, by a roll call (as shown below), tallied and Director Mortensen received a vote of 8, which is over a majority of the Board.

Director Armitage voted for herself  
Director Atkins voted for Director Mortensen  
Director Braunstein voted for Director Armitage  
Director Colley voted for himself  
Director Cooper voted for Director Mortensen  
Director Ford voted for Director Mortensen  
Vice President Gladbach voted for Director Mortensen  
Director Kelly voted for Director Mortensen  
President Martin voted for Director Mortensen  
Director Mortensen voted for himself  
Director Orzechowski voted for Director Mortensen  
Director Plambeck voted for Director Armitage

By motion of Director Colley, seconded by Vice President Gladbach and carried, Director Mortensen was elected to the position of Board Vice President by the following roll call votes (Item 5.3):

Director Armitage	Yes	Director Atkins	Yes
Director Braunstein	Yes	Director Colley	Yes
Director Cooper	Yes	Director Ford	Yes
Vice President Gladbach	Yes	Director Kelly	Yes
President Martin	Yes	Director Mortensen	Yes
Director Orzechowski	Yes	Director Plambeck	No

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After Board discussion and consideration of Item 5.4, which was to approve a resolution changing the regular Board meetings from 6:30 pm to 6:00 PM, the Board decided to not move forward with any further consideration of this item. The regular Board meeting time will remain at 6:30 PM (Item 5.4).

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Upon motion of Vice President Mortensen, seconded by Director Ford and carried, the Board approved the Consent Calendar by the following roll call votes (Item 6):

Director Armitage	Yes	Director Atkins	Yes
Director Braunstein	Yes	Director Colley	Yes
Director Cooper	Yes	Director Ford	Yes
Vice President Gladbach	Yes	Director Kelly	Yes
President Martin	Yes	Vice President Mortensen	Yes
Director Orzechowski	Yes	Director Plambeck	Yes

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Upon motion of Vice President Mortensen, seconded by Director Atkins and carried, the Board authorized the General Manager to execute a change order to the contract with Pacific Hydrotech Corporation to increase the construction contract amount by \$47,781.05 for the N Wells PFAS Groundwater Treatment and Well Q2 Perchlorate Removal Facility Project by the following roll call votes (Item 7.2):

Director Armitage	Yes	Director Atkins	Yes
Director Braunstein	Yes	Director Colley	Yes
Director Cooper	Yes	Director Ford	Yes
Vice President Gladbach	Yes	Director Kelly	Yes
President Martin	Yes	Vice President Mortensen	Yes
Director Orzechowski	Yes	Director Plambeck	Yes

Upon motion of Director Plambeck, seconded by Vice President Gladbach and carried, the Board approved a revised Emergency Administrative Leave (EAL) Policy – COVID-19 and directed the General Manager to reset available EAL to 10 days, effective retroactively to January 1, 2021 by the following roll call votes (Item 7.3):

Director Armitage	Yes	Director Atkins	Yes
Director Braunstein	Yes	Director Colley	No
Director Cooper	Yes	Director Ford	Yes
Vice President Gladbach	Yes	Director Kelly	Yes
President Martin	Yes	Vice President Mortensen	Yes
Director Orzechowski	Yes	Director Plambeck	Yes

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### **General Manager's Report on Activities, Projects and Programs (Item 8).**

The General Manager welcomed the newest members of the SCV Water Board and advised the Board that he met (virtually) one on one with each of the new Board members to get acquainted.

In addition, he updated the Board on the ongoing COVID-19 pandemic and stated that, this year promises to have several important initiatives and issues, and of course, maybe one or two unexpected ones. He advised the Board that they would be hearing about these and other projects in the coming Board and Committee meetings as appropriate.

He then went on to say that PFAS is the newest substance that we are working to remove from our water supply. Further, he mentioned that we have been dealing with perchlorate contamination from the Whittaker-Bermite site for many years, along with low levels of volatile organic compounds (VOC's).

He stated that over time, a number of hazardous substances that have been used in this valley, including perchlorate and VOC's, were released into the Saugus Formation Aquifer by known and potentially unknown parties, including the Whittaker Corporation at the Whittaker-Bermite Facility.

Four wells are presently impacted:

- Saugus 1 and Saugus 2 were shut down in 1997 when perchlorate was detected. In 2011, they were returned to service after treatment facilities were installed and an operating permit was issued by the Division of Drinking Water. That permit set a goal for VOC's and a blending strategy which has been used. However, based on SCV Water's experience with blending strategies, SCV Water is now evaluating whether an additional treatment process is required.
- Well 201 was taken offline in 2010, when perchlorate was detected. A perchlorate treatment system has been installed, but subsequently low levels of VOC's were also detected at that well, so it currently treats for perchlorate and the product water is blended with system water, dechlorinated and discharged to the river. It has been important that we continue to operate this well as it is part of the perchlorate containment and removal strategy for the Saugus Aquifer. Permitted operation of the well to provide potable water is pending a permit and possible installation of VOC treatment.
- Well 205 was taken offline in 2012 when perchlorate was detected. Low levels of VOC's have also been detected there. Preliminary design of perchlorate and VOC removal facilities and environmental review are underway.

Further, he said that the Division of Drinking Water (DDW) has not yet permitted use of treated water from Well 201 for drinking water due to the presence of low levels of VOC's. Absent the issuance of this new permit for Well 201, and a determination by DDW that current VOC levels from Saugus 1 and 2 are permissible under the existing drinking water permit, SCV Water is developing a contingency plan to address DDW requirements concerning VOC levels at all 4 wells.

Furthermore, he went on to say, staff has developed a web page that will host the draft Engineering Evaluation/Cost Analysis for the proposed projects, as well as the Community Involvement Plan. This is part of the process outlined under CERCLA (the Comprehensive Environmental Response, Compensation, and Liability Act). It will also include a public comment form. We anticipate publishing a notice of public comment period to start within the next 10 days, at which time the web page will go live. The comment period will be open for 45 days and a virtual public meeting will be held at the end of that time frame. Outreach for the public comment period and meeting will be similar to other efforts and include a press release, social media and targeted emails.

Lastly, he noted pertaining to the VOC's, we are currently in litigation with Whittaker Bermite over the VOC contamination, which was not included in the scope of the perchlorate settlement. Another cross defendant in the trial, Saugus Industrial Complex, recently entered into a settlement agreement with SCV Water and paid out, he thinks \$2.9 million for their potential share of VOC cleanup costs. The larger case with Whittaker goes on, and the Board will receive an update on this in closed session from our attorneys in the near future.

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#### **Committee Meeting Recap Reports for Informational Purposes Only (Item 9).**

There were no comments on the recap reports.

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**Written Reports for Informational Purposes Only (Item 10).**

Director Orzechowski asked questions on several of the section reports.

There were no other comments or questions on the written reports.

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**President's Report (Item 11).**

The President updated the Board on upcoming events and reminded them that there would be a special Board meeting on February 1, 2021, for the Board to take their mandated Sexual Harassment and Prevention training. He mentioned this meeting would be virtual and start at 6:00 PM.

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**AB 1234 Written and Verbal Reports (Item 12).**

Written reports were submitted by Vice President Gladbach and were included in the Board packet.

There were no further AB 1234 Reports.

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**Director Reports (Item 13).**

There were no Director reports.

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The Board went into Closed Session at 9:55 PM (Item 14).

The Board was instructed to disconnect from the current call and redial in on a separate teleconference line that was provided to them. President Martin instructed the public members and staff who wanted to stay on the call, to stay on the current teleconference line and once Closed Session has ended, the Board will reconvene for Closed Session announcements and the conclusion of the meeting.

President Martin reconvened the Open Session at 10:37 PM.

Tom Bunn, Esq., reported that pertaining to Item No. 14.1 Conference with Legal Counsel – Anticipated Litigation – Significant Exposure to Litigation Pursuant to Paragraph (2) of Subdivision (d) of Section 54956.9, Claim of Interinsurance Exchange of the Automobile Club, Insured Mario Vega Against Santa Clarita Valley Water Agency, Claim for Property Damage, Date of Claim December 3, 2020; Item No. 14.2 Conference with Legal Counsel – Anticipated Litigation – Significant Exposure to Litigation Pursuant to Paragraph (2) of Subdivision (d) of Section 54956.9, Claim of Mario Jr Vega, Against Santa Clarita Valley Water Agency, Claim for

Personal and Property Damage, Date of Claim December 23, 2020 and Item No. 14.3 Conference with Legal Counsel – Anticipated Litigation – Significant Exposure to Litigation Pursuant to Paragraph (2) of Subdivision (d) of Section 54956.9, Claim of Yesenia Ojeda Vega, Against Santa Clarita Valley Water Agency, Claim for Personal and Property Damage, Date of Claim December 23, 2020, the Board voted to reject the claims and send to them ACWA/JPIA by motion of Director Cooper, seconded by Director Kelly and carried, by the following roll call votes:

Director Armitage	Yes	Director Atkins	Yes
Director Braunstein	Yes	Director Colley	Yes
Director Cooper	Yes	Director Ford	Yes
Vice President Gladbach	Yes	Director Kelly	Yes
President Martin	Yes	Vice President Mortensen	Yes
Director Orzechowski	Yes	Director Plambeck	Yes

Pertaining to Item 14.4 Conference with Legal Counsel – Anticipated Litigation – Significant Exposure to Litigation Pursuant to Paragraph (2) of Subdivision (d) of Section 54956.9, Amended Claim of Donald Bashor Against Santa Clarita Valley Water Agency, Claim for Retaliation for Whistleblowing, Date of Claim November 3, 2020, the Board voted to reject the claim by motion of Director Cooper, seconded by Director Kelly and carried, by the following roll call votes:

Director Armitage	Abstained	Director Atkins	Yes
Director Braunstein	Yes	Director Colley	Yes
Director Cooper	Yes	Director Ford	Yes
Vice President Gladbach	Yes	Director Kelly	Yes
President Martin	Yes	Vice President Mortensen	Yes
Director Orzechowski	Yes	Director Plambeck	Yes

There were no other actions taken in Closed Session that were reportable under the Ralph M. Brown Act (Item 15).

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#### **Director Requests for Approval for Event Attendance (Item 16).**

Director Plambeck asked that the Department of Water Resources Urban Water Management Plan Webinars on “Considering Climate Change”, “How to Prepare a Water Shortage Contingency Plan” and “Preparation, Adoption, and Submittal” be pre-approved webinars for this fiscal year, which the Board approved by motion of Director Kelly, seconded by Director Cooper and carried by the full Board as shown below:

Director Armitage	Yes	Director Atkins	Yes
Director Braunstein	Yes	Director E. Colley	Yes
Director Cooper	Yes	Director Ford	Yes
Vice President Gladbach	Yes	Director Kelly	Yes
President Martin	Yes	Vice President Mortensen	Yes
Director Orzechowski	Yes	Director Plambeck	Yes

There were no other Director requests for event attendance.



**Request for Future Agenda Items (Item 17).**

Director Plambeck requested that staff look into supporting and promoting a Lifeline rate for water rate payers in our valley. (This request was forwarded to the Public Outreach and Legislation Committee for consideration.)

Director Plambeck also asked that the Board receive an update on the drought.

Director Kelly asked for a report on the status of the acreage on Placerita Canyon, which was purchased from the City of Santa Clarita to build some wells and tanks. He would like an overall update on the status of where we are on this item.

There were no other requests for future agenda items.

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The meeting was adjourned at 11:00 PM in memoriam of Cheri Fleming **(Item 18)**.

  
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April Jacobs, Board Secretary

ATTEST:

  
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President of the Board

