

**A REGULAR MEETING  
OF THE  
SAN GABRIEL BASIN WATER QUALITY AUTHORITY  
DECEMBER 15, 2009 at 9:30 A.M.**

---

**CALL TO ORDER** The Chairman 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** Greg Nordbak, Bob Kuhn, Mike Whitehead, Carol Montano, Margaret Clark and Ed Chavez

**BOARD MEMBERS ABSENT** Jim Byerrum

**STAFF MEMBERS PRESENT** Grace Kast, Executive Director; Randy Schoellerman, Assistant Executive Director/Senior Engineer; Stephanie Moreno, Admin/IS Assistant; Mary Saenz, Director of Finance; Dan Colby, Project Resource Manager; Art Kidman, Legal Counsel; Michelle Sanchez, Admin/Accounting Assistant.

**MEMBERS OF THE PUBLIC PRESENT** Tom Lindros, Knollwood Associates; Dan Horan, Three Valleys MWD; Mariana Lake, Valley County Water District; Kyle Snay, Golden State Water Company; Belinda Faustino, Rivers and Mountains Conservancy.

**ITEMS TOO LATE TO BE AGENDIZED** Mr. Kidman reported that there were two items that needed to be added to the Board agenda and that both related to a notice from a regulatory agency. He indicated that the notice was received after the agenda for this meeting was sent out and that it could lead to litigation involving the WQA. He also indicated that a public information agenda item needed to be added as both a closed session item and an open session item.

Ms. Clark moved to approve the addition of the Public Information item to the agenda as item VII (d). Ms. Montano seconded the motion and it was unanimously approved.

Mr. Kuhn moved to approve the addition of the Public Information item to the agenda as item XVI (c). Ms. Montano seconded the motion and it was unanimously approved.

Mr. Nordbak noted that the Board would convene to closed session and discuss item XVI (c) prior to the discussion of item VII (d) in open session.

Mr. Chavez entered the meeting.

**PUBLIC COMMENT**

None.

**CONSENT CALENDAR**

Mr. Kuhn moved to approve the consent calendar as presented. Mr. Chavez seconded the motion and it was unanimously approved. Mr. Whitehead abstained from project demand No. 3030.

**ACTION ITEMS**

***Administrative/Finance  
Committee Report***

Mr. Nordbak reported the minutes for the committee meeting held on December 8, 2009 were enclosed for review.

***Discussion/Action Regarding  
Office Lease Update***

Ms. Kast clarified some items regarding the proposed office lease addendum that were brought up during the Administrative/Finance committee meeting. The first issue was the electrical costs which she indicated would be \$ 0.15/square foot and would be a fixed price for the term of the lease until the building owner installed separate metering. She also reported that the building standard carpet and paint included new base boards. The last issue was a guarantee for the private restrooms. She noted that there was not specific language in the lease that provided the WQA the ability to terminate the lease if private restrooms were not included in the lease due to unforeseen circumstances. She indicated that staff was in negotiations to get that specific language into the lease.

After general discussion, Mr. Kuhn moved to authorize the Executive Director to sign the lease addendum upon inclusion of the item described in her report. Ms. Montano seconded the motion and it was unanimously approved.

***Adoption of Resolution No.  
09-005, Amendment to the  
WQA Employee Pension Plan***

Ms. Saenz reported that an amendment is required to the WQA employee pension plan to include new language that complies with the Pension Protection Act and the HEART Act (Heroes Earning Assistance and Relief Tax Act of 2008). She indicated that the amendment is required to be approved by a resolution of the Board authorizing the Executive Director, as the Trustee of the Plan, to execute the Plan amendment.

Ms. Clark moved to adopt Resolution No. 09-005. Mr. Kuhn seconded the motion and it was unanimously approved.

***Engineering Committee  
Report***

Mr. Nordbak reported that the minutes for the committee meeting held on December 8, 2009 were enclosed for review.

Mr. Schoellerman reported that the operations on the Whitmore Project were coming in under budget, and note that staff may look into expanding that project by adding one more extraction well.

***Discussion/Action the  
National Park Service San  
Gabriel Watershed and***

Ms. Faustino gave an update on the special resource study and the potential opportunities there might be for creating a national park within the San Gabriel Watershed. She indicated that

*Mountains Special Resource Study*

several meetings were held to gather public comments on the study and they have narrowed it down to three different alternatives that would be recommended to Congress. She indicated that some of the concerns within the water districts were that another regulatory layer would be brought in and could possibly cause issues with cleanup.

**LEGISLATIVE REPORT**

Mr. Monares reported that he was working to confirm January 15, 2010 for a WQA briefing and project tour with Assemblyman Curt Hagman.

**ENGINEER'S REPORT**

None.

**ATTORNEY'S COMMENTS**

Mr. Kidman reported that there were two items to discuss in closed session.

**EXECUTIVE DIRECTOR'S REPORT**

Ms. Kast noted that there were a few birthdays in December and wished Mr. Chavez, Ms. Clark, and Mr. Whitehead a happy birthday. She also noted that the ACWA DC conference would be held on February 23-25, 2010 and for anyone that was interested to please contact Ms. Moreno.

**FUTURE AGENDA ITEMS**

None.

**FUTURE BOARD AND COMMITTEE MEETINGS**

The next WQA Board Workshop meeting was scheduled for Tuesday, January 5, 2010 at 11:30 A.M.

The Administrative/Finance Committee meeting was scheduled for Tuesday, January 12, 2010 at 12:00 P.M.

The Engineering Committee meeting was scheduled for Tuesday, January 12, 2010 at 1:00 P.M.

The next WQA Board meeting was scheduled for Tuesday, January 19, 2010 at 9:30 A.M.

**BOARD MEMBERS' COMMENTS/REPORTS**

Mr. Chavez reported on a report that he saw on the Channel 5 news regarding the quality of tap water.

Mr. Whitehead reported that he met with Congresswoman Chu and discussed with her WQA's request for an appropriation out of the San Gabriel Basin Restoration Fund for the upcoming session. He also reported that he met with Daniel Chao from Congresswoman Napolitano's office to discuss the request for appropriations and also support for the Tax Credit Bond.

Mr. Kuhn reported that he will not be able to attend the New Water Supply Coalition Board Meeting on February 3, 2010.

Ms. Montano wished everyone happy holidays.

Mr. Nordbak wished everyone a happy holiday season. He also noted that the mileage reimbursement rate would change and asked staff to have the expense sheet reflect the new change in January.

## **CLOSED SESSION**

A closed session was held.

## **RECONVENE OPEN SESSION**

### ***Conference with Legal Counsel – Existing Litigation Pursuant to Subdivision (a) of Section 54956.9***

Mr. Kidman reported that there was no reportable action for this item.

### ***-CV 02-4565 ABC (RCX) – [South El Monte]***

### ***Conference with Legal Counsel – Anticipated Litigation Significant Exposure to Litigation Pursuant to Subdivision (b) of Section 54956.9: One (1) Potential Case***

Mr. Kidman reported that there was no reportable action for this item.

### ***Public Information***

Mr. Kidman reported that the WQA received a letter from the Fair Political Practices Commission (FPPC) stating that an investigation against the WQA has been initiated concerning possible violations of political campaigning reporting law. He also noted that no action was taken on this item in closed session.

### ***Added Action Item VII (d) Public Information***

Mr. Nordbak reported that WQA was in the process of submitting another public information advertisement and discussed the options for the advertorial due to the recent concerns with the FPPC. He noted that the Board needed to consider either pulling the advertorial completely from production or modify it to address some possible concerns.

After detailed discussion, Ms. Clark moved to approve a re-designed advertorial with no Board Member or elected official photos and no quotes by elected officials. Mr. Kuhn seconded the motion and it failed to pass with a 3-3 vote.

Mr. Nordbak requested that the motion be amended or the item would be taken off the agenda for discussion.

Ms. Clark amended the previous motion to include WQA Board Member photos in the advertorial. Mr. Kuhn seconded the

motion and it was approved by the following 4-1-1 voice vote:


AYES: WHITEHEAD, KUHN, MONTANO, CHAVEZ

NO: NORDBAK

ABSTAIN: CLARK

**ADJOURNMENT**

The Chairman asked if there were any other items of business to come before the Board. There being none, this regular Board meeting was adjourned to January 5, 2010.

  
\_\_\_\_\_  
J. Greg Nordbak, Chairman

  
\_\_\_\_\_  
Margaret Clark, Secretary