

**MINUTES  
REGULAR MEETING OF THE BOARD  
OF DIRECTORS OF ELSINORE VALLEY  
MUNICIPAL WATER DISTRICT**

**Thursday March 28, 2019**

The Regular Meeting of the Board of Directors of Elsinore Valley Municipal Water District was held at its principal offices at 31315 Chaney Street, Lake Elsinore, California.

Directors Present

Andy Morris, President  
Phil Williams, Vice President  
Darcy Burke, Treasurer  
Harvey R. Ryan  
Jared McBride

Staff Present

John Vega, General Manager  
John Brown, General Counsel  
Terese Quintanar, District Secretary/Administrative Services Supervisor  
Christy Gonzalez, Executive Assistant/Deputy Board Secretary  
Susie Evans, Sr. Executive Assistant  
Brian Macy, Assistant General Manager - Eng./Ops  
Robert Hartwig – Assistant General Manager - Business Services  
Jason Dafforn, Director of Engineering and Water Resources  
Jase Warner, Director of Operations  
John Manhard, Facilities Manager  
Tim Collie, Water Operations Manager  
Jennifer Dancho, Human Resources and Safety Manager  
Bonnie Woodrome, Community Affairs Supervisor  
Scott Thompson, Accounting Manager  
Dennis McBride, Wastewater Operations Manager  
Matthew Bates, Engineering Manager  
Parag Kalaria, Water Resources Manager  
Jorge Chavez, Management Analyst

Others Present

Syrus Devers, Best Best and Krieger

**CALL TO ORDER**

The meeting was called to order by President Morris at 4:02 p.m.

**APPROVAL OF AGENDA**

A motion was made by Director Williams, seconded by Director Burke, and carried unanimously to approve the Agenda as presented.

**PUBLIC COMMENTS**

There were none.

**Item I.0 CONSENT CALENDAR**  
*Minute Order # 5408 and 5409*

- A. APPROVAL OF:
1. Minutes of the Regular Board Meeting of March 14, 2019
  2. Demands
  3. Amendment No. 1 to the Contract Services Agreement with Atlas Copco CTS for Air Compressor Preventative Maintenance and Repair Services (*MO# 5408*)
  4. Contract Services Agreement with H2O Solutions, LLC For Reservoir Cleaning and Inspection Services (*MO# 5409*)
- B. APPROVAL OF TRAVEL AUTHORIZATIONS:
1. Harvey Ryan - Meeting with Government and Political Officials
  2. Phil Williams - Meeting with Government and Political Officials

Director Ryan abstained on Consent Calendar Item A.2, Nos. 4890, 240052, 240053, and 240090 for source of income.

A motion was made by Director Ryan, seconded by Director Burke and carried unanimously to:

- 1. Approve the Consent Calendar non-pulled items.**

A motion was made by Director Williams, seconded by Director Burke, and carried, with Director Ryan abstaining to:

- 1. Approve the Consent Calendar Item A.2, Nos. 4890, 240052, 240053, and 240090.**

**Item II.0 BUSINESS ITEMS****Item II.A CONSIDER APPROVAL OF A PUBLIC WORKS CONTRACT WITH CASE PACIFIC COMPANY FOR THE DIAMOND DRIVE SUBSURFACE REPAIRS PROJECT***Minute Order #5410*

Mr. Dafforn reported that in December 2013, the District performed an emergency repair on a manhole located at the intersection of Diamond Drive and Casino Drive in the City of Lake Elsinore. During the repair, sections of the manhole collapsed and sediment surrounding the manhole slumped into the sewer line. In order to stabilize the roadway, the District performed emergency soil stabilization by injecting grout in the area.

The Project was originally advertised for bid in July 2018 through PlanetBids; however, the single bid received on August 2, 2018 was significantly higher than the engineer's estimate. Staff rejected all bids and elected to redesign. The Project was re-advertised for bid on December 19, 2018 through PlanetBids.

Staff conducted a thorough analysis and found the two lowest bidders to be non-responsive: one failed to submit the required documentation, the other took exception to several contractual obligations including insurance requirements. Staff performed a detailed review of the Case Pacific Company's bid documents and checked references. Based on staff's analysis, Case Pacific Company is determined to be the lowest, responsive, and responsible bidder.

Staff presented this item at the March 4, 2019 Engineering and Operations Committee Meeting, and recommended award of a Public Works Contract with Case Pacific Company in the amount of \$193,276.58 and the filing of a Notice of Exemption with the Riverside County Clerk's Office in the amount of \$50. This item, including overhead of \$9,701, consulting management (5 hours) of \$700, as well as staff time (59 hours) & fringe benefits of \$9,286, totals \$213,013.38.

Director Ryan questioned how we based our choice with Mr. Dafforn responding that this was a public bid. The first two bidders deemed non-responsive due to significant exceptions to contract verbiage or failing to submit all the documents. Director McBride asked if the system filters bidders. Mr. Dafforn responded that PlanetBids does have some checks and balances within the system. Submitters are required to provide particular documents with their bid and if some bid items are not completed, bids cannot be submitted. Mr. Dafforn further explained that this project was not budgeted for and this is why it is being funded by Program 333. Director Ryan asked if there was any coordination done with the City of Lake Elsinore regarding paving. Mr. Dafforn stated that the intent is to be done before the City begins their upgrades. John Brown added that when bids are deemed non-responsive, BBK is asked to review them and if the irregularities can be waived,

legal reviews and advice is provided. In this instance, those bids were confirmed as non-responsive.

A motion was made by Director Williams, seconded by Director Ryan and carried unanimously to:

- 1. Approve a Public Works Contract with Case Pacific Company in the amount of \$193,276.58;**
- 2. Approve the filing of a Notice of Exemption in the amount of \$50 with the Riverside County Clerk's Office;**
- 3. Authorize \$9,701 for overhead, \$700 for consulting management, and \$9,286 for staff time;**
- 4. Authorize the total expenditure in the amount of \$213,013.38 to the Capital Improvement Program 490, with funding provided from the Wastewater Replacement Program 333;**
- 5. Authorize a supplemental budget appropriation in the amount of \$235,048 to the Capital Improvement Program 490, with funding provided from the Wastewater Replacement Program 333; and,**
- 6. Authorize the General Manager to execute the appropriate documents on behalf of EVMWD.**

<b>Item II.B      PROFESSIONAL SERVICES AGREEMENT WITH BB&amp;K FOR STATE LEGISLATIVE ADVOCACY SERVICES</b>
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*Minute Order #5411*

John Brown recused himself from participation in the discussion of this matter.

Mr. Morrison reported that with this Professional Services Agreement, we will have a lobbyist to engage in advocacy with the District's Government Relations Officer with the goal of influencing the state legislature, to ensure that the District's priorities and interests, and any sponsored or co-sponsored legislation, are represented and advanced. Legislative focus is not limited to issues involving water. Issues may be related to any and all legislation that could impact the District in any area of business operations.

Mr. Morrison also reported that staff negotiated a reduction in the monthly fee, bringing the fee down to \$7,500 per month. Staff did not require several months of these services; therefore, sufficient funds remain in the 2018/19 Fiscal Year Budget to accommodate the \$7,500 per month expenditure. However, at the March 20, 2019 Study Session meeting, staff explained that beginning with the Fiscal Year 19/20, staff will budget the full amount of \$7,500 per month for the length of the contract. Mr. Morrison added that we plan to utilize our successful model to move through the state level more expeditiously than the federal side.

Syrus Devers explained his goal was to educate state legislators about our story. EVMWD has every water issue in our area and we will be able to provide perspective that few other Districts can, and he will build the campaign around that. Through interaction with regional groups and working groups, getting technical staff

involvement and getting our knowledge out there, EVMWD will be invited to be a resource. He advised that discussion of legislative strategy is not covered by attorney/client privilege. Any new clients will have full review for conflicts of interest and apparent conflicts.

Director Ryan commented on the one-year plan being mostly relationships and asked when we will be focusing on funding. Mr. Morrison answered that this work can begin almost immediately. Results will be seen at a much quicker rate with the State. Director Ryan added that the Regional Expansion is important to work into the timeframe. Mr. Morrison explained that the priorities include considering our current projects. Director McBride asked if there is an option to do benchmarking, or a one-year contract. He opined that review at one year would be beneficial. Mr. Morrison answered that it could be an option; however, the legislature and regulatory agencies operate on a two-year cycle and this is the first year of a two-year session, so there will be issues that carry over into the next year. These two-year bills give the governor an opportunity to work out snags and he opined that this makes sense from a legislative aspect. Director McBride opined that a one-year contract would be more beneficial. Director Williams noted that it took us ten years to get where we are at the Federal level, and he opined that sticking with a representative is important because these things do not happen overnight. He opined that we can discuss benchmarks that may not be met later and go from there. He preferred to start with a two-year contract.

Director Ryan echoed Director Williams' comments and stated his preference for a two-year plan. We have been neglecting contacts in Sacramento for a while and this is an important part in bringing funds to the District. He would like to see a two-year contract along with a two-year plan as well.

Director Burke acknowledged the monthly reduction and Best Best & Krieger's commitment to working with us. She added that nothing happens in a year, except bad things, and she also requested a two-year plan and a collaborative effort with Federal contacts, benchmarking and which regulatory committees are at the table and what our strategy is to get there. Mr. Morrison stated that our efforts with FEMA was what got the program funded for \$10M for Lee Lake Dam. It is our plan to continue this work with FEMA. The correlation between Federal and State could benefit us with funding from both and we will be looking for those opportunities.

Director McBride asked what the reporting will look like. Mr. Morrison answered that both he and Mr. Devers would be reporting back to the Board periodically and at the end of the legislative year. Mr. Devers offered any form of reporting the Board preferred. Director Ryan asked if we can teleconference with Mr. Devers from Sacramento. Mr. Devers responded that this can be incorporated.

President Morris mentioned a time we were seeking funds for SRRRA, which stalled at the state level, and after a visit by elected officials and staff, the project was funded \$9M. He urged attendance of Board Members whenever it may be beneficial. Mr. Devers will provide the initial contact and extend the invitation to our Board for follow up meetings, if warranted.

A motion was made to approve the recommendations as amended by Director Williams, seconded by Director Ryan and carried unanimously to:

- 1. Consider approval of a Two-Year Professional Services Agreement and Two additional Two-Year Optional Renewals with BB&K for State Legislative Advocacy services for a total contract amount of \$540,000; and,**
- 2. Authorize the General Manager to execute the appropriate documents on behalf of EVMWD.**

<b>Item III.A GENERAL MANAGER'S REPORT</b>
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Mr. Vega reported on a letter from Department of Water Resources stating that our allocation of the State Water Project was being increased to 75%, releasing 3M acre feet. At the state level, the Northern Sierra snowpack is at 151% with the Colorado River side at 137%. There has been 53 inches of precipitation on the state side, with the Colorado River at 21 inches. Elsinore currently has had 16 inches of rain this year.

Mr. Vega also reported that we received a letter from Riverside County Department of Waste Resources stating that we are a nominee for the Riverside County Department of Waste Sustainability Award, considering efforts to reduce, reuse, recycle and re-think.

<b>Item III.B LEGAL COUNSEL'S REPORT</b>
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John Brown reported on a bill containing a modified version of the proposed statewide water tax passed out of committee yesterday and now moves on to the Assembly Appropriations Committee. The committee passed the bill with a vote of 6-3 and proposed the public water systems annually remit the tax of \$.50 per service connection to the State Water Resources Control Board. This was made to address the implementation costs of having a state tax on the local water bill.

Mr. Brown also reported that the FPPC has made a concerted effort toward enforcement actions. In addition, as public works projects become more complex and as agencies explore alternatives to traditional build and construction, often times, by working on an early portion of a project, consultants are precluded on bidding on some subsequent actions regarding that project. AB 626 considers some amendments which might not preclude them from being involved in the projects.

<b>Item III.C BOARD COMMITTEE REPORTS</b>
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Director Burke reported on the WMWD/EVMWD group meeting, where they discussed the Mills Gravity Line. The Murrieta MSR was approved by LAFCO and an evening town hall meeting is being planned. WMWD is also drilling a new well

in August, on Vineyard and Thoroughbred in Murrieta. There was also discussion of the proposed water tax. The next meeting will be at the end of May.

Director Ryan reported on the Legislation, Conservation and Outreach Committee Meeting recently held. Sponsorships were awarded. The Canyon Lake Middle School asked for water for their Emergency Center. He opined that working to get disaster preparedness in schools, to get water to people in need, might be a good idea. He suggested consideration of a future program, so we can assist prior to an emergency. We have \$27,515 in the account and \$8,000 will be used for "Project Wet", a program to train teachers. An exit poll will be done to get feedback. The conservation campaign partnership with RCWD was discussed and each agency will put in \$3,000 to inform the public that conservation is here to stay. He complimented Mr. Morrison on his report on the recent meeting and tour with the Army Corps of Engineers. They have to decide if the project is feasible, through the Federal Interest of Determination process. This must be decided prior to the feasibility study being done.

<b>Item IV.0 DIRECTORS' COMMENTS AND REQUESTS</b>
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Director Burke reported on the Canyon Lake Property Owners Association and City Council joint meeting, which will be done quarterly in the future. The next meeting is June 24, 2019. She also commended staff and vendors who participated in the Splash Into Spring and asked for consideration for award of top department exhibits. She also thanked staff for her tour of the Back Basin and other facilities. She commented that the facilities are very clean.

She also asked if we considered the American Water Works Association's benchmarking study to compare each department to industry standards.

Director McBride complimented the Splash Into Spring event and commented about how much he learned. He also mentioned seeing signs posted and community interest in being more vocal about defeating LEAPS.

Director McBride also mentioned the City's effort to proactively preserve Lake Elsinore and asked if Lake Elsinore can put information on their website regarding the Ag Line to get more water to the lake, at some point, or perhaps a ribbon cutting.

Director Ryan complimented the Splash Into Spring event. He also pointed out the Grant Update in the Information Items of this meeting packet and commented that \$130M is an amazing number and that he hoped the State efforts are as successful as the Federal program has been.

Director Williams reported that a candidate has been identified to replace George Spiliotis at LAFCO. He will be the lead CFO for LAFCO. The MSR process is getting underway and all of the parties have stepped up and we will be informed of the chosen candidate in the near future.

**Item V.0      CLOSED SESSION**

The Board adjourned to Closed Session at 5:03 p.m. to discuss:

- A.      CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION  
Name of Case: Hemet Manufacturing Company, Inc. dba Genesis  
Construction v. Elsinore Valley Municipal Water District  
Riverside Superior Case No. MCC1600744

The Board reconvened to open session at 5:45 p.m. There was no reportable action taken in closed session.

**Item VI.0      ADJOURNMENT**

There being no further business, the meeting was adjourned at 5:45 p.m.

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Andy Morris, President of the  
Board of Directors of the  
Elsinore Valley Municipal Water District

ATTEST:

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Terese Quintanar, Secretary to the  
Board of Directors of the  
Elsinore Valley Municipal Water District