



Approved: May 8, 2023

Executive Committee Meeting

ACWA JPIA
2100 Professional Drive
Roseville, CA 95661
(800) 231-5742

March 23, 2023

MEMBERS PRESENT

Chair: Melody A. McDonald, San Bernardino Valley Water Conservation District
Vice-Chair: David Drake, Rincon del Diablo Municipal Water District
Fred R. Bockmiller, Mesa Water District
Cathy Green, ACWA VP, Orange County Water District
Chris Kapheim, Kings River Conservation District
Randall Reed, Cucamonga Valley Water District
J. Bruce Rupp, Humboldt Bay Municipal Water District

MEMBERS ABSENT

None.

STAFF PRESENT

Chief Executive Officer/Secretary: Walter "Andy" Sells
Adrienne Beatty, Assistant Executive Officer
Laura Baryak, Administrative Assistant II
Chimene Camacho, Executive Assistant to the CEO (*Recording Secretary*)
Sarah Crawford, Training Manager
Debbie Cruz, Lead Member Services Representative
David deBernardi, Director of Finance
Robin Flint, Risk Control Manager
Robert Greenfield, General Counsel
Erik Kowalewski, System/Network Administrator
Jennifer Nogosek, Liability/Property Claims Manager
Olivia Sayad, Administrative Assistant II
Sandra Smith, Employee Benefits Manager
Dan Steele, Finance Manager
Shelley Tippit, Claims Assistant
Melody Tucker, Workers' Compensation Manager
Tony Waterford, HR Manager
Nidia Watkins, Member Services Representative
Cece Wuchter, Sr. Lead Claims Adjuster

OTHERS IN ATTENDANCE

Tiffany Giammona, ACWA Senior Director of Operations and Member Engagement
Scott Ratterman, Calaveras County Water District

John Pang, Tahoe City Public Utilities District (via Zoom)

WELCOME

Chair McDonald welcomed everyone in attendance.

CALL TO ORDER AND ANNOUNCEMENT OF QUORUM

Chair McDonald called the meeting to order at 8:00 a.m. She announced there was a quorum.

PLEDGE OF ALLEGIANCE

Chair McDonald led the Pledge of Allegiance.

ANNOUNCEMENT RECORDING OF MEETING

Chair McDonald announced that the meeting would be recorded to assist in preparation of minutes. Recordings are kept 30 days following the meeting, as mandated by the California Brown Act.

PUBLIC COMMENT

Chair McDonald noted that, as the agenda stated, members of the public would be allowed to address the Executive Committee on any agenda item prior to the Committee's decision on that item. Comments on any issues on the agenda, or not on the agenda, were also welcomed. No comments were brought forward.

INTRODUCTIONS

Chair McDonald asked all in attendance to introduce themselves.

ADDITIONS TO OR DELETIONS FROM THE AGENDA

Chair McDonald asked for any additions to, or deletions from, the agenda. Mr. Sells requested that Agenda Item VI. Membership, Friant Water Authority be deleted from the agenda.

CONSENT AGENDA

Chair McDonald called for approval of the Consent Agenda:

M/S/C (Bockmiller/Drake) (Bockmiller-Yes; Drake-Yes; Green-Yes; Kapheim-Yes; Reed-Yes; Rupp-Yes; McDonald-Yes): That the Executive Committee approve the minutes of the January 31, 2023 meeting; and ratify the JPIA disbursements of: Vendor Payments, Employee Benefits Claim Payments, Payroll, and summary of confidential claims payments for the Liability, Property, & Workers' Compensation Programs: January 16-31, 2023; February 1-15, 2023; February 16-28, 2023; and March 1-15, 2023.

ADMINISTRATION

Report on Meetings Attended on Behalf of the JPIA

Committee members shared conferences they attended since their last meeting.

Review and take action on New Position and Updated Salary Schedule

Mr. Waterford reported that due to an internal promotion the salary schedule has been updated to add a new Senior Benefits Administrator position, Grade 28.

M/S/C (Green/Bockmiller) (Bockmiller-Yes; Drake-Yes; Green-Yes; Kapheim-Yes; Reed-Yes; Rupp-Yes; McDonald-Yes): That the Executive Committee approve new position of Senior Benefits Administrator and subsequent salary schedule update as of March 14, as presented.

Update on Executive Committee Election and Spring Conference

Mr. Sells and Ms. Baryak provided a report on the upcoming Spring Conference. Spring Conference will be held on Monday, May 8, 2023 at the Monterey Marriott in Monterey, California. The Preliminary Schedule was attached to the packet. An Executive Committee election will be held during the Board of Directors' meeting that will fill four Executive Committee member positions for their complete terms of four years each. A nominated candidate must submit a Statement of Qualification, a Nomination Resolution and three Concurring in Nomination Resolutions by Saturday, April 8, 2023.

Review the Executive Committee Election Process

Mr. Sells and Ms. Beatty presented potentially using the Live Tally key fobs and revising the Board of Directors (BOD) Manual Election rules for the upcoming Executive Committee election.

The current BOD Manual Election Rules states that "If candidates for office do not receive a majority of cast votes, a subsequent ballot is held with one more candidate's name than the number of vacancies to be filled; i.e. the **three** candidates who receive the most votes to run for **two vacancies**; or, the **two** candidates who receive the most votes to run for **one vacancy**."

The proposed change will state that "If candidates for office do not receive a majority of cast votes, a subsequent ballot is held with ~~one more candidate's name than~~ **twice the number of candidates** than the number of vacancies to be filled; i.e. the **three four** candidates who receive the most votes to run for **two vacancies**; or, the **two** candidates who receive the most votes to run for **one vacancy**. **If upon the second vote, the candidates for office do not receive a majority of cast votes, a subsequent ballot is held with one less candidate than the prior ballot. This process will continue until there are candidates who receive a majority of cast votes for the number of vacancies to be filled.**

Much discussion was held on utilizing the Live Tally key fob option vs. the traditional paper ballots that have been used over the years and the potential confusion that this change may cause. The Committee also expressed their concern on revising the BOD

Manual Election Rules on the day of the election. Ultimately, the Committee decided that the paper ballot and the original election rules should remain in place at this time.

PROGRAMS

Significant Claims Report

Ms. Nogosek reported on claims settlements that had been previously presented for authority. The following cases have been settled since this Committee's last meeting:

- **Zuniga, et al vs Fallbrook Public Utilities District (7/24/2021)**
This claim involved a 4" concrete mortar lined and coated steel pipe that broke due to rust and sent water into four apartments. All claims for mitigation, repairs, temporary housing and personal property damage were resolved for a total of \$221,806.28.
- **Barteau vs Tuolumne Utilities District (1/12/2022)**
This claim involved the catastrophic failure of the District's 110,000-gallon steel water tank which sent approximately 110,000 gallons of water down the hill into the Barteau home and the yards and garages of several other residences. This is a mountain area with a great deal of snow. Snow, water, and debris hit the Barteau home with such force that the bedroom wall was pushed down and allowed the debris to flow throughout the entire home. In addition, two trucks were pushed into trees and a storage shed was pushed downhill approximately 15 feet. Barteau's claim was settled for a total of \$458,428.49.
- **Penn vs Vallecitos Water District (2/14/2022)**
This claim involved an 8" cement mortar lined and coated steel pipe which broke and caused water and mud to flow downhill into the claimant's home and garage. There were five adults living in the home and a large amount of personal property was damaged. Emergency services were completed, contents inventoried and put into storage. Two of the five adults required temporary housing due to the heavy damages to the bedrooms. These claims were resolved for a total of \$235,527.73.

Review and take action on RSF Refunds

Mr. Sells stated that at their January 31, 2023 meeting, the Executive Committee approved the change in Retrospective Premium Adjustments (RPA) calculation to five (5) years after the end of the policy year for the Liability, Property, and Workers' Compensation Programs. The resultant Rate Stabilization Fund (RSF) refunds table was attached to the packet. Due to the changes, there will not be check presentations to Member Boards this year.

M/S/C (Bockmiller/Kapheim) (Bockmiller-Yes; Drake-Yes; Green-Yes; Kapheim-Yes; Reed-Yes; Rupp-Yes; McDonald-Yes): That the Executive Committee approve the 2023 RSF refunds, as presented.

FINANCE & AUDIT COMMITTEE

Finance & Audit Committee Chair Drake reported on the agenda items and recommendation of the Finance & Audit Committee from its meeting on March 22, 2023:

M/S/C (Drake/Rupp) (Bockmiller-Yes; Drake-Yes; Green-Yes; Kapheim-Yes; Reed-Yes; Rupp-Yes; McDonald-Yes): That the Executive Committee accept the Finance & Audit Committee recommendation to approve the Annual Comprehensive Financial Report for year ended September 30, 2022.

M/S/C (Drake/Rupp) (Bockmiller-Yes; Drake-Yes; Green-Yes; Kapheim-Yes; Reed-Yes; Rupp-Yes; McDonald-Yes): That the Executive Committee accept the Finance & Audit Committee recommendation to approve the Operating Budget for Fiscal Year 2023-24.

PROPERTY PROGRAM COMMITTEE

Property Program Committee Chair Kapheim reported on the agenda items from the Committee's meeting on March 22, 2023. There were no recommendations from this meeting.

MEMBERSHIP

Review and take action on Merced Subbasin Groundwater Sustainability Agency
Ms. Cruz provided a background on the Merced Subbasin Groundwater Sustainability Agency (MSGSA) formed in 2017 and their application for admission into the JPIA Liability Program. Current MSGSA membership includes Amsterdam Water District, County of Mariposa, County of Merced, Le Grand-Athlone Water District, Lone Tree Mutual Water Company, Merquin County Water District, Plainsburg Irrigation District, Sandy Mush Mutual Water Company and Stevinson Water District. Le Grand-Athlone Water District is the only member of the JPIA for the Liability and Property Programs.

The Risk Management team conducted a liability risk assessment in accordance with the JPIA's Commitment to Excellence Program, JPIA best practices, occupational safety and health standards, and consensus with public agency loss control methods. MSGSA has not had previous liability coverage and therefore has no loss history reports. If accepted into the Liability Program, it is recommended that MSGSA complete the following within 90 days of joining: Board training for AB 1234 and Sexual Harassment Prevention.

M/S/C (Drake/Green) (Bockmiller-Yes; Drake-Yes; Green-Yes; Kapheim-Yes; Reed-Yes; Rupp-Yes; McDonald-Yes): That the Executive Committee approve Merced Subbasin Groundwater Sustainability Agency's application for admission into the Liability Program.

Review and take action on Friant Water Authority

This agenda item was deleted.

MISCELLANEOUS

Future agenda items

None.

CEO and Managers' Update

Mr. Sells reported on relevant current events at the JPIA. Due to time constraints, the managers' update was postponed until the next meeting.

Ms. Giammona of ACWA reported on current and scheduled events at ACWA.

Availability for next meeting: The Executive Committee is scheduled to meet next at Spring Conference in Monterey on May 8, 2023.

Appointment of Labor Negotiator

Mr. Greenfield stated that the JPIA will need to appoint a Labor Negotiator prior to convening for Closed Session Item B, Public Employee Performance Evaluation. Staff recommends appointing Mary Egan, CEO Facilitator, as Labor Negotiator.

M/S/C (Drake/Green) (Bockmiller-Yes; Drake-Yes; Green-Yes; Kapheim-Yes; Reed-Yes; Rupp-Yes; McDonald-Yes): That the Executive Committee approve Mary Egan as Labor Negotiator.

CLOSED SESSION

Before proceeding into closed session, General Counsel announced the items to be discussed.

M/S/C (Bockmiller/Reed) (Bockmiller-Yes; Drake-Yes; Green-Yes; Kapheim-Yes; Reed-Yes; Rupp-Yes; McDonald-Yes): That the Executive Committee adjourn to closed session.

At approximately 9:36 a.m., the Executive Committee, upon advice of General Counsel, adjourned to closed session to discuss:

- A. Conference with Legal Counsel (tort liability losses, public liability losses/claims, or workers' compensation liability claims) – Pursuant to Government Code Sec. 54956.95.
 1. SF Florin v. Solano ID (DOL 2/13/2019)
 2. State Farm Insurance a/s/o Garcia v. Palo Verde ID (DOL 6/17/2021)
- B. Public Employee Performance Evaluation (Personnel) – Pursuant to Government Code(s) Sec. 54957.6.

M/S/C (Rupp/Green) (Bockmiller-Yes; Drake-Yes; Green-Yes; Kapheim-Yes; Reed-Yes; Rupp-Yes; McDonald-Yes): That the Executive Committee reconvene to open session.

The Committee returned to open session at approximately 10:52 a.m.

Closed session item A-1: No action was taken; direction given to staff.

Closed session item A-2: No action was taken; direction given to staff.

Closed session item B: No action was taken, direction given to Labor Negotiator.

The Executive Committee meeting adjourned at 10:55 a.m.

Attest:

X

Melody McDonald
Chair

X

Walter A. Sells
Secretary