



Approved: November 1, 2021

## Executive Committee Meeting

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

**September 29, 2021**

This meeting consisted of a simultaneous Zoom teleconference call at the ACWA JPIA, 2100 Professional Drive, Roseville, CA 95661 and remote sites.

### MEMBERS PRESENT

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Chairman: E.G. "Jerry" Gladbach, Santa Clarita Valley Water Agency  
Vice-chair: Thomas A. Cuquet, South Sutter Water District  
Fred R. Bockmiller, Mesa Water District  
David Drake, Rincon del Diablo Municipal Water District  
Brent Hastey, Yuba Water Agency  
Melody A. McDonald, San Bernardino Valley Water Conservation District  
Randall Reed, Cucamonga Valley Water District  
J. Bruce Rupp, Humboldt Bay Municipal Water District  
Pamela Tobin, San Juan Water District, ACWA VP

### MEMBERS ABSENT

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None.

### STAFF PRESENT

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Chief Executive Officer/Secretary: Walter "Andy" Sells  
Sarah Crawford, Training Manager  
David deBernardi, Director of Finance  
Robin Flint, Risk Control Manager  
Robert Greenfield, General Counsel  
Debbie Kyburz, Lead Member Service Representative  
Jennifer Nogosek, Liability and Property Claims Manager  
Patricia Slaven, Director of Human Resources and Administration  
Sandra Smith, Employee Benefits Manager  
Dan Steele, Finance Manager  
Shelley Tippit, Accountant II  
Melody Tucker, Workers' Compensation Manager  
Nidia Watkins, Member Services Representative II  
Chimene Camacho, Executive Assistant to the CEO (*Recording Secretary*)

### OTHERS IN ATTENDANCE

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Tiffany Giammona, ACWA Senior Director of Operations and Member Engagement  
Alex Tokar, Aon Insurance Services

## **WELCOME**

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Chairman Gladbach welcomed everyone in attendance.

## **CALL TO ORDER AND ANNOUNCEMENT OF QUORUM**

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Chairman Gladbach called the meeting to order at 1:01 p.m. He announced there was a quorum.

## **PLEDGE OF ALLEGIANCE**

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Chairman Gladbach led the Pledge of Allegiance.

## **ANNOUNCEMENT RECORDING OF MEETING**

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Chairman Gladbach 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**

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Chairman Gladbach 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**

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Chairman Gladbach introduced the Executive Committee and asked Mr. Sells to introduce staff and guests in attendance.

## **ADDITIONS TO OR DELETIONS FROM THE AGENDA**

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Chairman Gladbach asked for any additions to, or deletions from, the agenda. There were no additions or deletions from the agenda.

## **CONSENT AGENDA**

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Chairman Gladbach called for approval of the Consent Agenda:

M/S/C (McDonald/Hastey) (Bockmiller-Yes; Cuquet-Yes; Drake-Yes; Hastey-Yes; McDonald-Yes; Reed-Yes; Rupp-Yes; Tobin-Yes; Gladbach-Yes): That the Executive Committee approve the minutes of the July 16, 2021 and August 23, 2021; and approve the JPIA disbursements of: Vendor Payments, Employee Benefits Claim Payments, Payroll, and summary of confidential claims payments for the Liability, Property, & Workers' Compensation Programs: July 16-31, 2021; August 1-15, 2021; August 16-31, 2021; and September 1-15, 2021.

## **ADMINISTRATION**

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Meetings attended on behalf of the JPIA

None reported.

## Review and Approve the JPIA Meeting Calendar for 2022.

Mr. Sells presented the proposed 2022 JPIA meetings calendar for approval.

M/S/C (Tobin/McDonald) (Bockmiller-Yes; Cuquet-Yes; Drake-Yes; Hastey-Yes; McDonald-Yes; Reed-Yes; Rupp-Yes; Tobin-Yes; Gladbach-Yes): That the Executive Committee approve the 2022 JPIA Meetings Calendar, as presented.

## **PROGRAMS**

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### Significant Claims

Pursuant to Government Code 54956.95, Ms. Nogosek and Mr. Greenfield reported on claims that had been previously presented for authority and has now been resolved:

- **Citizens Development vs. Vallecitos Water District (8/18/2011)** Claimant filed a complaint alleging nuisance, trespass, CERCLA and Inverse Condemnation against the District, County of San Diego, City of San Marcos, City of Escondido, and Hollandia Dairy. Claimant has settled with the District only. Legacy carriers paid all of the experts and defense costs plus \$803,370.78. The JPIA paid a total of \$196,629.21.
- **Presley vs. Palo Verde Irrigation District (6/3/2018)** This claim involved a failed canal bank due to erosion, which resulted in water flowing onto the claimant's property and into their home. The claim was resolved via mediation for a total of \$212,593.77.
- **Poland vs. Hi-Desert Water District (4/2/2020)** Claimant worked at the District for eight years. At the time of her lay off, she was earning \$130,000 annually. Claimant made allegations of gender discrimination and safety concerns against the GM. At mediation, a tentative agreement was reached to settle for \$205,000. Claimant agreed to a slightly lesser amount in exchange for the JPIA making two equal payments. One in 2021 and one in 2022.

## **EMPLOYEE BENEFITS PROGRAM COMMITTEE**

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Director Rupp presented the recommendations of the Employee Benefits Program Committee from its meeting on August 18, 2021.

M/S/C (Rupp/Tobin) (Bockmiller-Yes; Cuquet-Yes; Drake-Yes; Hastey-Yes; McDonald-Yes; Reed-Yes; Rupp-Yes; Tobin-Yes; Gladbach-Yes): That the Executive Committee accept the recommendation of the Employee Benefits Program Committee to approve the transfer of Employee Benefits Program Reserves Fund in the amount of \$60 million to the California Water Insurance Fund (CWIF).

## **PERSONNEL COMMITTEE**

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Chairman Gladbach presented the recommendations of the Personnel Committee from its meeting on September 20, 2021.

M/S/C (Gladbach/Hastey) (Bockmiller-Yes; Cuquet-Yes; Drake-Yes; Hastey-Yes; McDonald-Yes; Reed-Yes; Rupp-Yes; Tobin-Yes; Gladbach-Yes): That the Executive Committee accept the recommendation of the Personnel Committee to approve 2021-22 Salary Schedule.

## **FINANCE AND AUDIT COMMITTEE**

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Director Cuquet presented the recommendations of the Finance and Audit Committee from its meeting on September 27, 2021:

M/S/C (Cuquet/Rupp) (Bockmiller-Yes; Cuquet-Yes; Drake-Yes; Hastey-Yes; McDonald-Yes; Reed-Yes; Rupp-Yes; Tobin-Yes; Gladbach-Yes): That the Executive Committee accept the recommendation of the Finance and Audit Committee to approve the 2021-22 Investment Policy.

## **LIABILITY PROGRAM COMMITTEE**

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Director McDonald presented the recommendations of the Liability Program Committee from its meeting on September 27, 2021.

M/S/C (Tobin/Drake) (Bockmiller-Yes; Cuquet-Yes; Drake-Yes; Hastey-Yes; McDonald-Yes; Reed-Yes; Rupp-Yes; Tobin-Yes; Gladbach-Yes): That the Executive Committee accept the recommendation of the Liability Program Committee to approve no revisions to the Memorandum of Liability Coverage, effective October 1, 2021.

M/S/C (Tobin/Rupp) (Bockmiller-Yes; Cuquet-Yes; Drake-Yes; Hastey-Yes; McDonald-Yes; Reed-Yes; Rupp-Yes; Tobin-Yes; Gladbach-Yes): That the Executive Committee accept the recommendation of the Liability Program Committee to approve the reinsurance terms, conditions, and premiums, as presented, effective October 1, 2021.

M/S/C (Tobin/Drake) (Bockmiller-Yes; Cuquet-Yes; Drake-Yes; Hastey-Yes; McDonald-Yes; Reed-Yes; Rupp-Yes; Tobin-Yes; Gladbach-Yes): That the Executive Committee accept the recommendation of the Liability Program Committee to approve no change in billing rate to members, as presented, effective October 1, 2021.

## MEMBERSHIP

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### Review and take action on Membership Applications

Ms. Kyburz presented Bear Valley Basic Groundwater Sustainability Agency's application for admission to the Liability Program.

M/S/C (McDonald/Rupp) (Bockmiller-Yes; Cuquet-Yes; Drake-Yes; Hastey-Yes; McDonald-Yes; Reed-Yes; Rupp-Yes; Tobin-Yes; Gladbach-Yes): That the Executive Committee approve Bear Valley Basic Groundwater Sustainability Agency's application for admission into the Liability Program.

## MISCELLANEOUS

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### Future agenda items

None.

### CEO and Managers' updates

Mr. Sells and JPIA managers updated the Executive Committee on relevant current issues. Items reported included:

- Current recruitment efforts: A job offer is pending for the Assistant Executive Officer position; the new Senior Accountant will start in October; applications are currently being accepted for the Administrative Assistant II and Risk Control/Sr. Risk Control Advisor positions
- Fire-related claims update
- New retiree Medicare Advantage plan: UnitedHealthcare
- New mental health plan: Modern Health
- Risk Control Grant program and application process
- Update on Risk Assessment Surveys and how they are conducted
- Workers' Compensation, Risk Control and Claims departments collaborating with the Training Department to develop safety related webinars
- Available online training resources and virtual learning courses

Ms. Giammona provided an update on ACWA's current activities and the upcoming Fall Conference in Pasadena. She also reported on the new ACWA Leadership Program.

### General Counsel update

Mr. Greenfield provided an update on a new law signed by the Governor, AB 361 and its effect on the current Brown Act public meeting regulations.

Availability for next meeting: The Executive Committee is scheduled to meet at Fall Conference in Pasadena on November 29, 2021.

## CLOSED SESSION

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

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

A. At approximately 2:41 p.m., the Executive Committee, upon advice of General Counsel, adjourned to closed session pursuant to pending Litigation under California Government Code Sec. 54956.95.

1. City of Chula Vista v. Otay WD (DOL 10/6/2020)
2. City of Chula Vista v. Otay WD (DOL 4/5/2021)
3. Various v. Otay WD (DOL 5/7/2021)
4. Various v. Alameda County WD (DOL 6/22/21)
5. Various v. Sacramento Suburban WD (DOL 8/24/21)
6. Various v. Fallbrook PUD (DOL 2/25/21)

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

The Committee returned to open session at approximately 2:55 p.m.

- Closed session item A-1: No action was taken; directions given to staff.
- Closed session item A-2: No action was taken; directions given to staff.
- Closed session item A-3: No action was taken; directions given to staff.
- Closed session item A-4: No action was taken; directions given to staff.
- Closed session item A-5: No action was taken; directions given to staff.
- Closed session item A-6: No action was taken; directions given to staff.

Before returning into closed session, General Counsel announced the item to be discussed.

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

B. At approximately 2:58 p.m., the Executive Committee, upon advice of General Counsel, adjourned to closed session pursuant to Government Code Sec. 54957 and 54957.6 (conference with Labor Negotiators).

1. Position: Chief Executive Officer

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

The Committee returned to open session at approximately 4:21 p.m.

- Closed session item B-1: The Executive Committee met with the Chief Executive Officer and reviewed his performance, provided feedback, and approved an incentive award of \$10,000.

The Executive Committee meeting adjourned at 4:30 p.m.

Attest:

X

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E.G. "Jerry" Gladbach  
Chairman

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Walter A. Sells  
Secretary