

Frank Martinez, President  
Arthur Levine, Vice President

Christopher J. Garner, General Manager



Robert Shannon, Secretary  
Gloria Cordero, Commissioner  
Naomi Rainey, Commissioner

Richard Anthony, Deputy City Attorney

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## **REGULAR MEETING**

### **FINAL AGENDA & DRAFT MINUTES**

**The Water Commission minutes are prepared and ordered to correspond to the Water Commission agenda. Agenda items can be taken out of order during the meeting.**

**The agenda items were considered in the order presented.**

### **CALL TO ORDER**

The Board of Water Commission regular meeting was called to order by President Martinez at 9:01 A.M. This regular meeting was held via teleconference pursuant to Executive Order N-29-20 issued by Governor Gavin Newsom.

### **ROLL CALL**

Executive Assistant to the Board, Sandra Fox took the roll call and confirmed a quorum.

Also present: Christopher J. Garner, General Manager; B. Anatole Falagan, Assistant General Manager; Tai Tseng, Assistant General Manager - Operations; Sandra Fox, Executive Assistant to the Board.

President Martinez welcomed Commissioner Rainey back to the Board and noted he was glad to hear she was feeling better.

Mr. Anthony advised the Board that he needed to leave the Board meeting at 9:30 A.M. due to a meeting he has at City Hall.

**Commissioners** Gloria Cordero, Naomi Rainey, Robert Shannon and Frank  
**Present:** Martinez

**Commissioners** Art Levine

**Excused:**

**PUBLIC COMMENT**

1. [21-007WA](#) Public Comments for January 21, 2021 Board meeting

President Martinez opened the public comment period and asked if any written public comment had been received. Ms. Fox advised no written public comment had been received for the January 21, 2021 Board meeting. President Martinez then inquired if there was any public on the line who would like to speak. Hearing none, he closed the public comment period.

**PRESIDENT'S REPORT**

President Martinez confirmed that the Board budget decision regarding Board travel was no travel budget was in place for FY 20/21. He noted the information regarding the Urban Water Institute Conference the Board had received was strictly informational.

Ms. Fox clarified that staff was still sending information for upcoming conferences to the Board for informational purposes.

Commissioner Rainey made comments regarding attendance at conferences.

President Martinez commented on the travel moratorium for conferences for the Board, and inquired if this also included travel for staff members.

Mr. Garner responded.

President Martinez asked Commissioner Shannon regarding the moratorium on Board travel.

Commissioner Shannon responded.

President Martinez asked the Board members to review the Urban Water Institute conference agenda and let Mr. Garner know if they were interested in attending and staff could register them for the conference.

Commissioner Cordero suggested that Commissioner Rainey might want to virtually attend the conference so she could learn about UWI. Commissioner Rainey advised she had a conflict for the dates of the conference.

President Martinez made general comments regarding the benefits of attending some conferences.

Commissioner Rainey inquired if Commissioner Shannon could attend the conference. Commissioner Shannon advised he would be passing on attending the upcoming UWI conference.

Commissioner Rainey asked if Mr. Garner might consider attending the conference.

Mr. Garner responded that he would review the agenda and see if he or another staff member might be interested in attending the conference.

Commissioner Rainey made additional comments.

#### **GENERAL MANAGER'S REPORT**

Mr. Garner reported that the City Council had adopted an ordinance on Tuesday that amends the Municipal Code regarding businesses in the city violating the existing Health Order. He advised the ordinance allows municipal utilities to be shut off to the cited businesses.

He reminded the Board that the Health Department had previously requested that the Board adopt a position that water could be shut off to commercial businesses by the Health Department for businesses that had been cited and continued to violate the City's current health order.

He mentioned that the Health Department had recently alerted the Water Department that they might be required to shut off the water to a restaurant that had repeatedly been ignoring the health order and continuing to serve in room dining. He noted that in this instance since this was a building served by a master water meter the shut off would have affected other tenants in the building. He advised the Health Department instead looked to shut off the gas, thus causing the City Council to adjust the Municipal Code.

Commissioner Shannon made comments regarding this matter.

Deputy City Attorney Anthony commented on the shut off of water to businesses in violation of the health order.

Commissioner Shannon requested confirmation that any shut offs would be at the direction of the Health Department.

Mr. Garner advised the Board that in the instance that the Health Department directed the department to shut off water to businesses violating the health order that he would inform the Board if this type of action was taken.

Commissioner Rainey made comments regarding city liability for business properties whose utilities had been shut off.

Mr. Anthony advised at this time there would probably not be a liability issue since the city staff was responding to a direct order from the Health Department regarding a business violating the health order.

Commissioner Rainey made additional comments mentioning Triple Net leases for commercial properties and how they might be affected by a city mandated utility shut off. Mr. Anthony advised he would look into this further and advise.

Mr. Anthony made additional comments.

Mr. Garner provided a COVID update for the department. He advised they had noted an increase in infections in the Operation units, so management had begun holding very small, outside group meetings with the employees reviewing the protocols regarding wearing masks and social distancing. He advised at these meetings employees had also been warned that if they did not feel well they should stay home and monitor their symptoms. He advised that everyone at these meetings had also been warned that failure to comply with the protocols could result in disciplinary action.

Mr. Garner reported that the Managers had participated in a Racial Equity 101 training earlier this week. He advised this was a very beneficial training

He advised that President Martinez, Anatole Falagan, Jillian Croci and himself would be participating virtually with staff from the California Municipal Utilities Association for their Capitol Day events. He advised that as part of this event staff would have the opportunity to have individual briefings with local California legislators. He advised staff from The Gualco Group would be assisting in coordinating these briefings.

He advised that Ms. Croci and the department's graphic artist had assembled a briefing packet for these legislative briefings. Mr. Garner advised he would send a copy of this to the Commissioners later in the day.

Mr. Garner reported to the Board that he has a briefing later this morning with the new Councilmember, Cindy Allen.

Mr. Garner provided an update on the ongoing Water Replenishment District General Manager recruitment.

## **REPORT OF JANUARY 21, 2021 FINANCE SUBCOMMITTEE MEETING**

President Martinez provided a summary report of the Finance Standing Committee meeting held prior to the Board meeting. He noted there was a component in the report regarding the MWD Conjunctive Use program. He noted he had asked Mr. Sorensen to plan to bring this specific section back to the full Board at a future Board meeting.

He also mentioned an update regarding the unpaid water bills (outstanding amount at this time was at \$500,000 and growing) and how this was affecting revenue, which could eventually affect the budget.

He mentioned how COVID had affected the CIP budget due to projects being delayed due to personnel absences and delivery of parts for some of the projects.

Commissioner Shannon inquired if Mr. Sorensen might provide the Conjunctive Use report at this point in the meeting.

President Martinez advised he would like it to be agendized for a future meeting.

Mr. Anthony advised since this item had not been agendized it would need to be scheduled for a future meeting.

President Martinez called for any further Commission comments or questions. Hearing none he called for any public comment. He then moved on in the agenda.

## **REGULAR AGENDA**

2. [21-008WA](#) Review of February 2021 Board meeting schedule calendar.

President Martinez reviewed the February 2021 Board meeting calendar with the Board.

The meetings confirmed for February were February 4th and February 18th.

He called for any public comment Hearing none he moved on in the agenda.

3. [21-009WA](#) Recommendation to approve December 3, 2020 & December 10, 2020 Board meeting minutes.

President Martinez called for a motion to approve the December 3, 2020 and December 10, 2020 Board meeting minutes.

He called for any public comment. Hearing none he called for a roll call vote.

**A motion was made by Secretary Shannon, seconded by Commissioner Rainey, to approve recommendation. The motion carried by the following vote:**

**Yes:** 4 - Gloria Cordero, Naomi Rainey, Robert Shannon and Frank Martinez

**Excused:** 1 - Art Levine

4. [21-010WA](#) Recommendation to receive Report of Treatment Plant Contingency Staffing Plan.

President Martinez introduced agenda item 4. Report of Treatment Plant Contingency Staffing Plan.

Mr. Tseng provided a staff report and reviewed a presentation with the Board.

There was a general discussion regarding the report.

Mr. Garner complimented Mr. Tseng and his team for their hard work in preparing this report.

Mr. Tseng commented on the slow down in State certifications during COVID that were affecting some of the Treatment Operators from moving up in their cross-training.

Commissioner Cordero inquired about who runs the Academy at the Treatment Plant.

Mr. Tseng provided an overview of how the Academy is administered.

Commissioner Cordero made additional comments regarding the state certification for treatment operators and possible partnership with the Metropolitan Water District.

Mr. Tseng responded.

President Martinez inquired when the next Academy would be scheduled.

Mr. Tseng responded.

**A motion was made by Commissioner Cordero, seconded by Secretary Shannon, to received and filed. The motion carried by the following vote:**

**Yes:** 4 - Gloria Cordero, Naomi Rainey, Robert Shannon and Frank Martinez

**Excused:** 1 - Art Levine

5. [21-011WA](#) Receive report of the Metropolitan Water District January 12, 2021 Board meeting.

Director Cordero provided a summary report of the January 12, 2021 Metropolitan Water District Board meeting.

She noted the MWD Chair was shuffling some MWD Board Committee assignments. She advised that two At Large positions on the Executive Committee had recently been filled.

President Martinez commented on the job announcement for the new MWD General Manager position.

Director Cordero made comments regarding the notice.

President Martinez called for any public comment. Hearing none he moved on in the agenda.

**NEW BUSINESS**

President Martinez made a motion to excuse Commissioner Levine from the January 21, 2021 Board meeting. Robert Shannon seconded the motion.

President Martinez called for any public comment. Hearing none he called for a roll call vote.

The motion carried with a 4 yes, 1 absent vote (Levine).

**ADJOURNMENT**

President Martinez read the closed session language into the record:  
Pursuant to paragraph (b) (1) of Section 54957 of the California Government Code regarding Public Employee Performance Evaluation: General Manager

He called for any public comment. Hearing none he adjourned the Board to the closed session at 10:05 A.M.

President Martinez reconvened the Board meeting at 10:44 A.M. He advised he had nothing to report from the closed session.

He adjourned the Board meeting to the February 4, 2021 teleconference meeting to be held at 9:00 A.M.

**NOTE:**

If written language translation of the Commission agenda and minutes for non-English speaking persons is desired, please make your request by phone to the Office of the City Clerk at (562) 570-6101, 72 business hours prior to the Commission meeting.

Kung nais ang pagsasalin ng nakasulat na wika ng agenda ng Komisyon at ang minutes para sa mga taong hindi nagsasalita ng Ingles, mangyaring isagawa ang iyong hiling sa pamamagitan ng telepono sa Opisina ng Clerk ng Lungsod sa (562) 570-6101, 72 oras ng negosyo bago ang pagpupulong ng Commission.

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