



**AGENDA
REGULAR WORKSHOP/MEETING OF THE
BOARD OF DIRECTORS**

**WEDNESDAY, FEBRUARY 1, 2023
10:00 A.M.**

**AGENCY HEADQUARTERS
BOARD ROOM
6075 KIMBALL AVENUE, BUILDING A
CHINO, CALIFORNIA 91708
VIEW THE MEETING LIVE ONLINE AT IEUA.ORG
TELEPHONE ACCESS: (415) 856-9169 / Conf Code: 257 242 91#**

PURSUANT TO AB361 AND RESOLUTION NO. 2023-1-2 ADOPTED BY THE IEUA BOARD OF DIRECTORS ON JANUARY 18, 2023. IEUA BOARD AND COMMITTEE MEETINGS WILL CONTINUE TO BE CONDUCTED THROUGH TELECONFERENCE IN AN EFFORT TO PROTECT PUBLIC HEALTH AND PREVENT THE SPREAD OF COVID-19.

The public may participate and provide public comment during the meeting by joining in-person or by calling the number provided above. Comments may also be submitted by email to the Board Secretary/Office Manager Denise Garzaro at dgarzaro@ieua.org prior to the completion of the Public Comment section of the meeting. Comments will be distributed to the Board of Directors.

CALL TO ORDER OF THE INLAND EMPIRE UTILITIES AGENCY BOARD OF DIRECTORS WORKSHOP/MEETING

ROLL CALL

FLAG SALUTE

PUBLIC COMMENT

Members of the public may address the Board on any item that is within the jurisdiction of the Board; however, no action may be taken on any item not appearing on the agenda unless the action is otherwise authorized by Subdivision (b) of Section 54954.2 of the Government Code. Those persons wishing to address the Board on any matter, whether or not it appears on the agenda, are requested to email the Board Secretary/Office Manager prior to the public comment section or request to address the Board during the public comments section of the meeting. Comments will be limited to three minutes per speaker. Thank you.

ADDITIONS TO THE AGENDA

In accordance with Section 54954.2 of the Government Code (Brown Act), additions to the agenda require two-thirds vote of the legislative body, or, if less than two-thirds of the members are present, a unanimous vote of those members present, that there is a need to take immediate action and that the need for action came to the attention of the local agency subsequent to the agenda being posted.

**REPORT ON ACTIONS TAKEN DURING CLOSED SESSION OF THE JANUARY 18,
2023 BOARD MEETING**

1. ACTION ITEM

**A. DISCUSSION AND POSSIBLE APPROVAL OF AMENDMENT TO THE
GENERAL MANAGER'S EMPLOYMENT CONTRACT**

2. WORKSHOP ITEMS

A. SAFETY UPDATE (POWERPOINT)

B. AB 2449: UPDATE TO BROWN ACT (POWERPOINT)

3. GENERAL MANAGER'S COMMENTS

4. BOARD OF DIRECTORS' REQUESTED FUTURE AGENDA ITEMS

5. DIRECTORS' COMMENTS

ADJOURN

Declaration of Posting

I, Denise Garzaro, CMC, Board Secretary/Office Manager of the Inland Empire Utilities Agency*, a Municipal Water District, hereby certify that, per Government Code Section 54954.2, a copy of this agenda has been posted at the Agency's main office, 6075 Kimball Avenue, Building A, Chino, CA and on the Agency's website at www.ieua.org at least seventy-two (72) hours prior to the meeting date and time above.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Board Secretary at (909) 993-1736 or dgarzaro@ieua.org, 48 hours prior to the scheduled meeting so that IEUA can make reasonable arrangements to ensure accessibility.

**ACTION
ITEM**

1A

Date: February 1, 2023

To: The Honorable Board of Directors

From: Jean Cihigoyenette, General Counsel

Committee:

Staff Contact: Denise Garzaro, Board Secretary/Office Manager

Subject: Discussion and Possible Approval of Amendment to General Manager's Employment Contract

Executive Summary:

Shivaji Deshmukh assumed the role of General Manager for the Agency in April 2019. Based upon Mr. Deshmukh's performance thus far, and a review of general manager compensation rates from comparable agencies, the Board would like to consider an amendment to the General Manager employment agreement to reflect an increase in base salary from \$285,000 to \$340,000. The proposed contract also includes a deferred compensation contribution to a 457 account in the amount of \$15,000 per year. All other provisions of the employment agreement would remain in full force and effect.

Staff's Recommendation:

This item was initiated by the Board of Directors.

Budget Impact *Budgeted (Y/N): Y Amendment (Y/N): Y Amount for Requested Approval:*

Account/Project Name:

Fiscal Impact (explain if not budgeted):

If approved, the fiscal impact of this action would be the increase in the General Manager's salary.

Prior Board Action:

The original employment agreement with the General Manager was approved by the Board on March 20, 2019. The First Amended Employment Agreement became effective May 22, 2019. The First Amendment to the First Amended Employment Agreement, extending the original term from June 30, 2024 to June 30, 2027 was approved by the Board on February 16, 2022.

Environmental Determination:

Not Applicable

Business Goal:

Attachments:

**WORKSHOP
ITEM**

2A

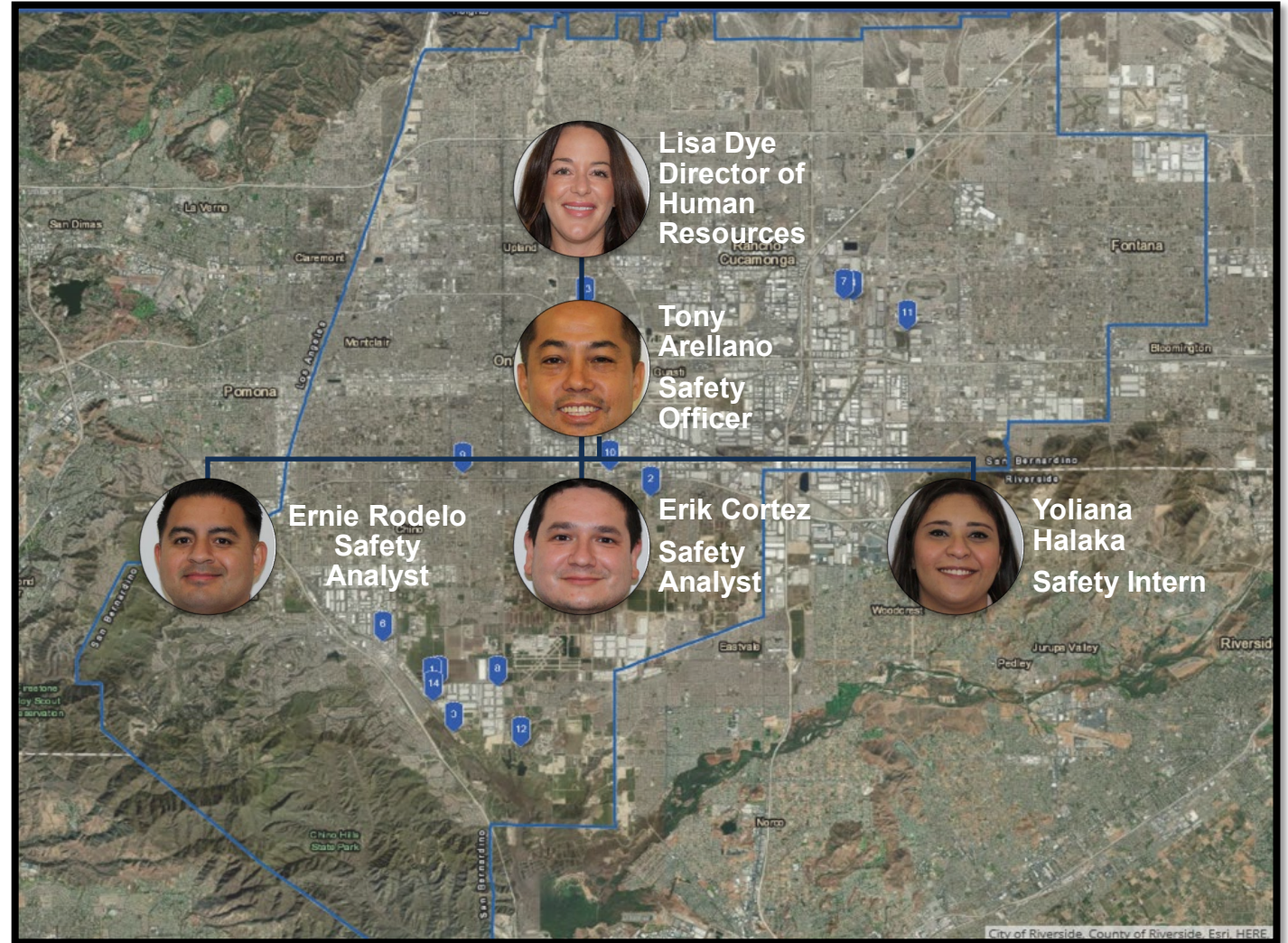
Safety Update

Tony Arellano
Safety Officer
February 1, 2023

- [illegible]

Safety Function

- Safety Team
- Responsibility
- Activities



Programs



Programs

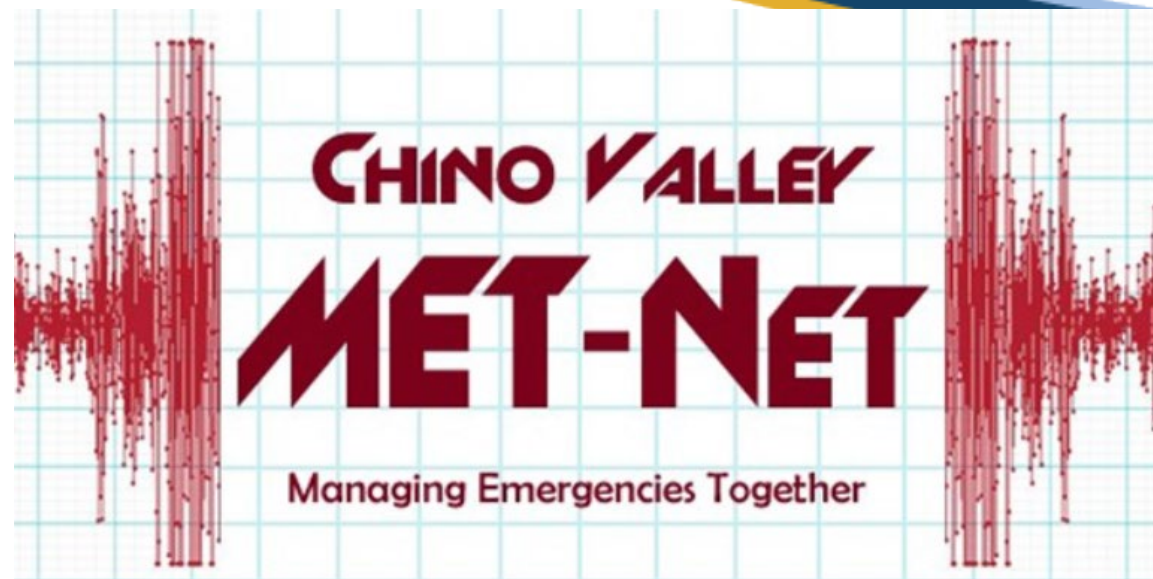


Plans



MET-Net and Chino Valley Task Force

- Managing Emergencies Together Network (MET-Net)
 - Partnership of agencies that play a critical role in managing both natural and manmade disasters.
 - Build relationships before a disaster occurs
- Chino Valley Flood Task Force



Chino Valley
Flood
TASK FORCE

ERNIE Mutual Aid

- Emergency Response Network of the Inland Empire (ERNIE)
- Disaster Recovery
- Local Agency Partnership



Active Shooter Training

- Active Shooter Training
- Chino Police Department and Chino Valley Fire



The flyer is for Active Shooter Training, featuring a blue and white color scheme with a large circular graphic on the right containing three icons: a person running, a person taking cover under a table, and a person holding a gun. The text is arranged in a clean, professional layout with logos for the Inland Empire Utilities Agency, Chino Police, and Chino Valley Fire at the top. A registration link is provided at the bottom.

ACTIVE SHOOTER TRAINING

FEBRUARY 8, 2023

- Session 1: 7:00am - 9:00am
- Session 2: 9:30am - 11:30am
- Session 3: 12:30pm - 2:30pm
- Session 4: 3:00pm - 5:00pm

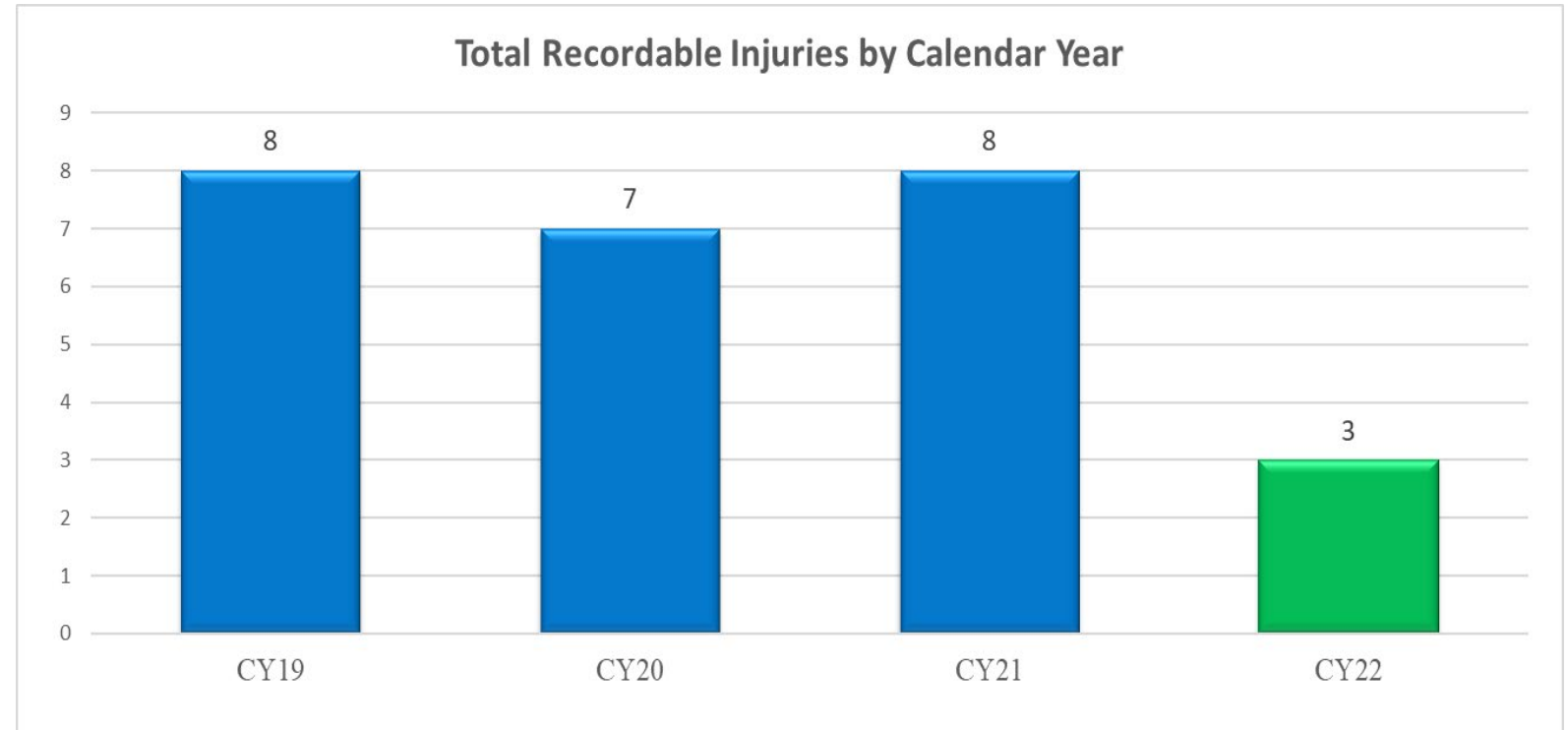
60 seats per session

Location: Headquarters
Koopman Conference Room

[CLICK HERE TO REGISTER AND FOR MORE INFORMATION](#)

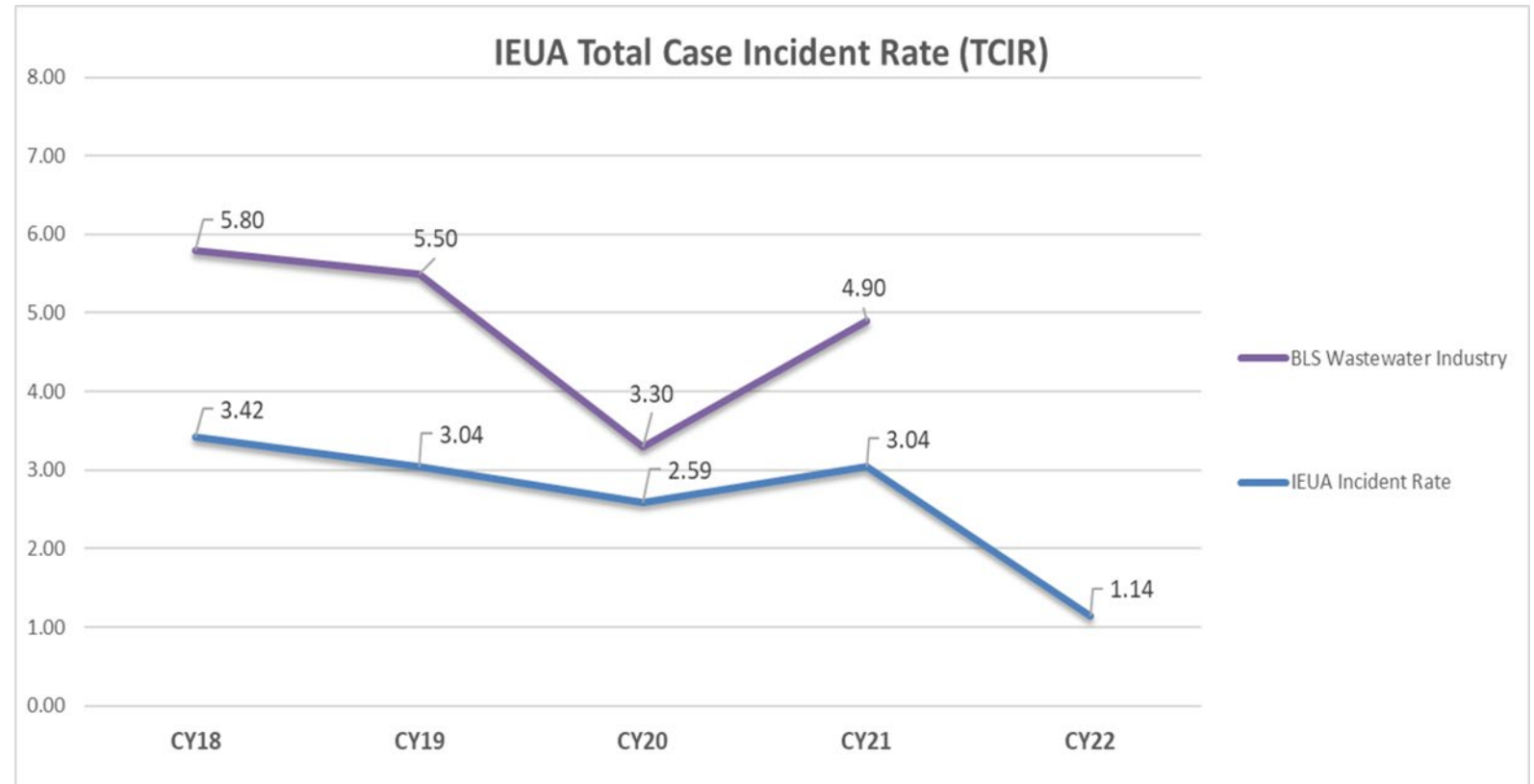
Safety Performance

- A recordable injury is an injury or illness that required medical treatment beyond first aid.
- A lost time accident is when an employee can not return to work after on the job accident.



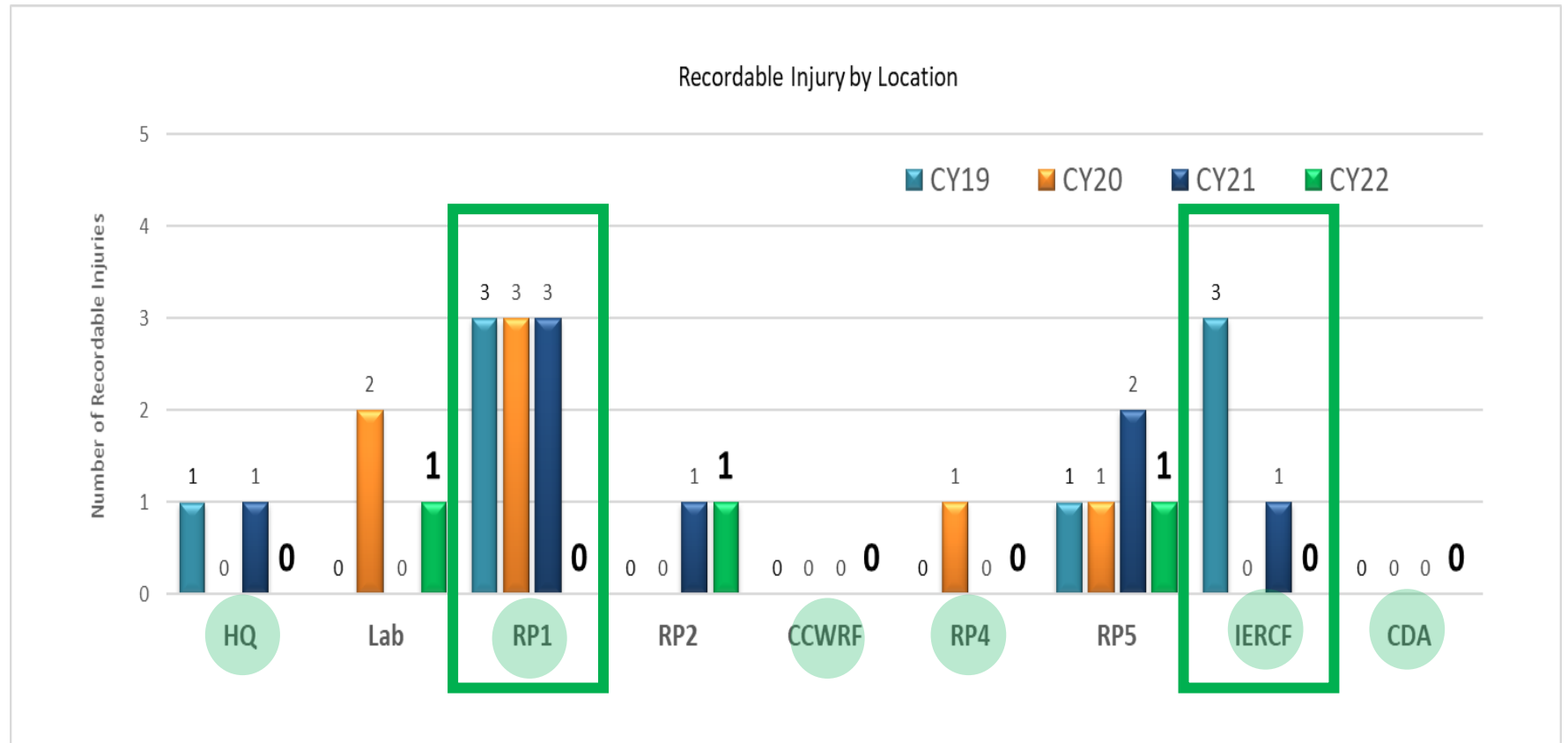
Safety Performance

- Total Case Incident Rate figure represents the number of work-related injuries per 100 full-time employees over a course of a year
- Trending Downward



Safety Performance

- Regional Plant 1
- IERCF



Safety Performance

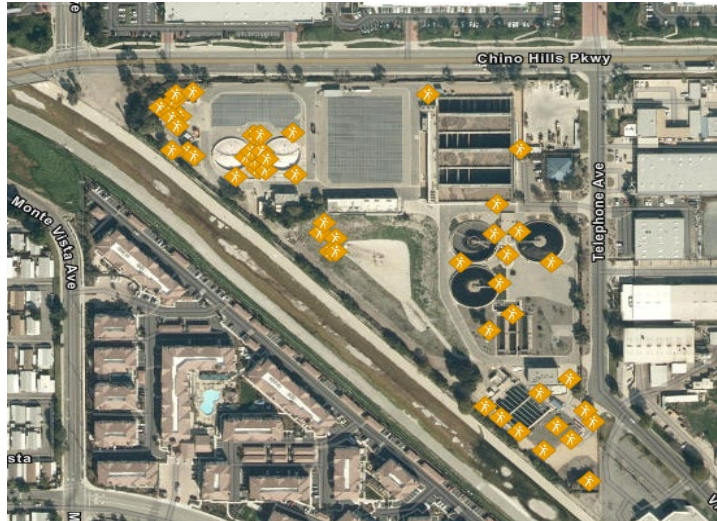
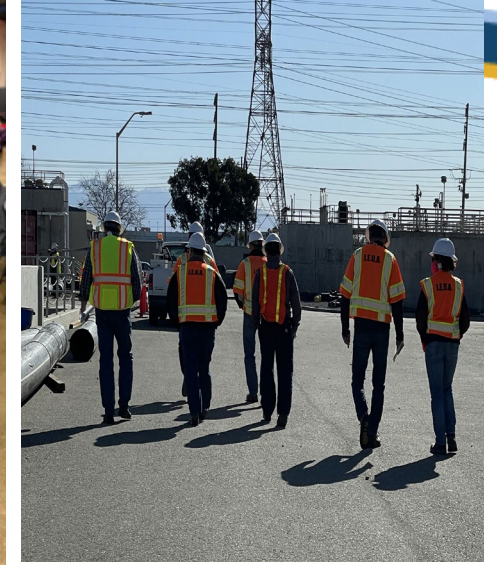
Contributing factors

- Teamwork
- Strong Leadership Support
- Fostering a Good Safety Culture
- Employee Empowerment
- Communication
- Proactive Activities



Accomplishments

- Annual Safety Inspection
- Technology
- Training
- Awards
- Mitigation



Stretch and Flex

- Program kickoff in April 2022
- The Collections Team and Laboratory staff piloted the program.
- Rolled out to all Field Staff
- [Stretch and Flex Video](#)



Stretching Principles

- Only stretch to your level of comfort and relax fully after each stretch.
- Start with feet spread shoulder-width apart and knees slightly bent.
- Hold each stretch for 8-10 seconds. Move in and out of stretches slowly.
- Protect your back by keeping your eyes up and head forward.

Warm Up



Shot Put



Plant one foot, turn your body toward the planted foot, & reach high. Pivot opposite foot to avoid back strain. Switch planted foot & repeat in other direction.

Skyward Reach



Reach up with hands facing forward, rise on toes, & hold. While reaching, lower heels & flex wrists so fingers point down. Hold stretch by turning hands in & out.

Chest



Spread your arms until they are straight out at your side. Slowly pull arms in at the elbow & push out.

Tricep



Raise one arm & place palm between shoulder blades. Grasp elbow with the other arm & gently pull back.

Shoulder



Stretch arm across chest. Grab elbow with opposite hand & gently pull. Tilt head in opposite direction.

Neck



Slowly tilt your head forward & tuck your chin. With eyes forward & head up, tilt your head to each side while pushing downward with the opposite arm.

Shoulder Release



Stand with feet spread shoulder-width apart. Extend arms behind back & clasp hands. Tilt wrists upward slightly & pull hands up gently by bending at elbows.

Forearm



Extend arm with fingers pointing up. With other hand, gently pull back on fingers/palm. Point fingers down & with thumb behind wrist, press against back of hand.

Calf



Extend one foot 2-3 feet backwards in line with opposite foot. Keep both hands on front knee & gently lean forward.

Hamstring



Extend one foot at a slight angle, 1-2 feet in front of other foot. Lift toes on extended foot, keeping the heel on the ground. Place both hands on stabilized thigh & lean forward slightly at the waist.

Quadricep



Keeping both knees together, bring one foot up behind thigh. Grasp foot with hand & gently pull up. Bring heel close to buttocks & hold.

Squats



Stand with feet flat & spread slightly more than shoulder-width apart. Bend slowly at the knees, lowering your rear end back & down. Keeping your weight on your heels, rise slowly.

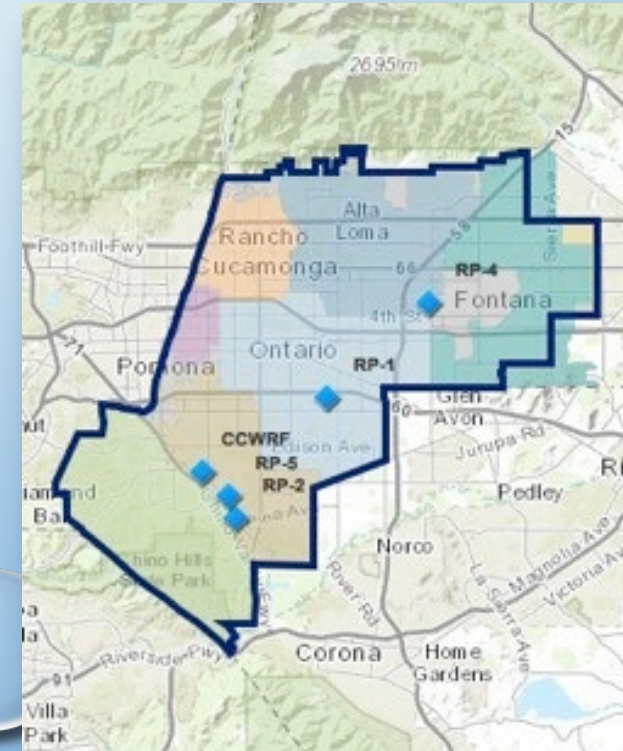
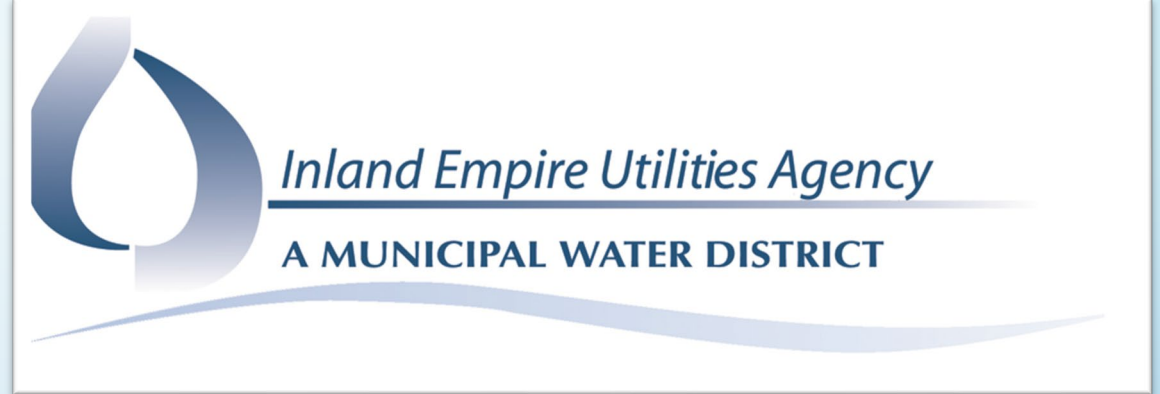


Questions?

**WORKSHOP
ITEM**

2B

AB 2449: Update to Brown Act



AB 2449

- Took effect January 1, 2023
- Amends portions of the Brown Act governing remote attendance at meetings (Cal. Gov. Code §54953 et seq.)

Preexisting Rules Governing Remote Attendance: **Traditional Brown Act (Track 1)**

- **Authorizes Directors to attend meetings remotely if certain requirements are satisfied:**
 1. At least a quorum of the legislative body must participate from locations within the agency's jurisdiction
 2. Each teleconference location must be identified in the notice and agenda for the meeting
 3. Agendas must be posted at each teleconference location
 4. Each location must be accessible to the public
 5. All votes must be by roll call

Preexisting Rules Governing Remote Attendance:

AB 361 - Declared Emergency (Track 2)

- **AB 361 (2021)**
 - **Authorizes Directors to attend meetings remotely without complying with all traditional Brown Act teleconferencing requirements**
 - **Examples of suspended Brown Act requirements under AB 361:**
 - No requirement for local agencies to provide notice of each teleconference location
 - No requirement that teleconference location be physically accessible to the public
 - No requirement to post agenda at each teleconference location
 - No requirement that quorum of Board participate from areas within agency jurisdiction

Preexisting Rules Governing Remote Attendance: **AB 361 - Declared Emergency (Track 2)**

Under AB 361, Board members may attend and participate in meetings remotely if the following requirements are satisfied:

- There must be a **declared state of emergency** in place pursuant to CA Emergency Services Act
- The Board must make certain findings regarding social distancing and/or the health risks of meeting in person
- The agency must provide an opportunity for all persons to attend and offer public comments via call-in or internet-based option

AB 361 remains in effect until January 1, 2024

- **However, the Governor's proclaimed state of emergency is set to lapse February 28, 2023**

New Rules Governing Remote Attendance: **AB 2449 (Track 3)**

As of January 1, 2023, the Brown Act is amended to allow Directors to remotely attend meetings under less rigid parameters than required by the preexisting Brown Act provisions.

- i.e. no requirement to identify teleconference location, to make said location open to public, to post agenda at physical teleconference location

Directors now have the option of remotely attending meetings when there is either:

1. Just cause; or
2. Emergency circumstances
 - Each option has specific requirements and effects so each will be discussed individually

New Rules Governing Remote Attendance: **AB 2449 (Track 3) – Just Cause**

JUST CAUSE to participate remotely is defined as any of the following:

1. A childcare or caregiving need of a child, parent, grandparent, grandchild, sibling, spouse, or domestic partner that requires the Director to participate remotely
2. A contagious illness that prevents the Director from attending the meeting in person
3. A physical or mental disability
4. Travel while on official business of the legislative body or another state or local agency

If one or more of the above apply, a Board member has just cause to remotely participate in the meeting if the following requirements are satisfied

New Rules Governing Remote Attendance: **AB 2449 (Track 3) – Just Cause**

To participate remotely using the just cause exemption, two preexisting conditions must be satisfied:

1. At least a quorum of the legislative body must participate and attend the meeting in person from a singular location identified on the agenda and that location is open to the public; and
2. There must be a means in place for members of the public to address the legislative body during the meeting (audio/visual)
 - INCLUDING THE BOARD MEMBER(S) PARTICIPATING REMOTELY

New Rules Governing Remote Attendance: **AB 2449 (Track 3) – Just Cause**

If the two prior conditions are satisfied, the Board member seeking to use just cause to participate remotely must do each of the following:

1. The board member must notify the legislative body of the intent to participate remotely for just cause as soon as possible
2. The Board member must include a general description (less than 20 words) of why remote attendance is required
3. Prior to taking any action at the meeting, the Board member must disclose whether anyone 18 or older is present at the remote location, and the general nature of the Board member's relationship with that person

JUST CAUSE CAN ONLY BE USED BY A BOARD MEMBER TWICE PER CALENDAR YEAR

New Rules Governing Remote Attendance: **AB 2449 (Track 3) – Emergency Circumstances**

EMERGENCY CIRCUMSTANCES is defined as:

- A physical or family medical emergency that prevents a Board member from attending in person

The following conditions must be satisfied for a Board member to attend a meeting remotely under emergency circumstances (same as under just cause):

1. At least a quorum of the legislative body must participate and attend the meeting in person from a singular location identified on the agenda and that location is open to the public; and
2. There must be a means in place for members of the public to address the legislative body during the meeting (audio/visual)
 - INCLUDING THE BOARD MEMBER(S) PARTICIPATING REMOTELY

New Rules Governing Remote Attendance: AB 2449 (Track 3) – Emergency Circumstances

If the procedural conditions are satisfied, a Board member must do each of the following to participate remotely under emergency circumstances:

1. The board member must notify the rest of the legislative body of the intent to participate remotely due to emergency circumstance as soon as possible
2. The board member must make a request to the rest of the legislative body to participate remotely due to emergency circumstance
3. The legislative body must approve the board member's request
4. The board member must include a general description of why remote attendance is required
5. Prior to taking any action at the meeting, the board member must disclose whether anyone 18 or older is present at the remote location, and the general nature of the board member's relationship with that person.

EMERGENCY CIRCUMSTANCES CANNOT BE USED FOR MORE THAN THREE CONSECUTIVE MONTHS OR FOR MORE THAN TWENTY PERCENT OF MEETINGS DURING A CALENDAR YEAR

To Conclude...

- AB 2449 does not take away anything from a Director's ability to attend meetings remotely
- It adds two situations wherein remote attendance is now available without the requirements set forth previously in the Brown Act

Questions



Inland Empire Utilities Agency

A MUNICIPAL WATER DISTRICT



**JCLAW
FIRM**
Jean Cihigoyenetché, APC

