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

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
e-mail 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.

* A Municipal Water District
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 Garzano, 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 dgarzano@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 Cihigoyenetch, 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

<table>
<thead>
<tr>
<th>Budgeted (Y/N): Y</th>
<th>Amendment (Y/N): Y</th>
<th>Amount for Requested Approval:</th>
</tr>
</thead>
</table>

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:
2A
Agenda

- Safety Function
- Safety Performance
- Accomplishments
Safety Function

- Safety Team
- Responsibility
- Activities
Employee Safety Programs

- Confined Space Entry
- Personal Protective Equipment
- Injury Illness Prevention
- Fall Protection
- Lockout/Tagout
- Electrical Safety
- General Mobile & Aux Equipment
- Hot Works
- Safety Training & Tailgate
- Traffic Control Program
- Near Miss / Safety Observation
- Hazardous Materials Handling
- Hot Works
Health and Well-Being Programs

- Hazard Communication
- Hearing Conservation
- Blood Borne Pathogens
- Safety Inspection
- Stretching Program
- Ergonomics
- Respiratory Protection
- Heat Illness Prevention

Programs
Plans

Emergency Action Plans

- Fire
- Terrorism
- Disaster
- Pandemic Continuity of Operations
- Hazardous Material Release/Response
- Medical Emergency
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
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
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**
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**
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