Welcome to a meeting of the Water Board of the City of San Bernardino

- The City of San Bernardino Municipal Water Department recognizes its obligation to provide equal access to those individuals with disabilities. Please contact the General Manager’s Office (909-384-5191) two working days prior to the meeting for any requests for reasonable accommodation, to include interpreters.
- All documents for public review are on file with the Water Department located at 1350 South “E” Street, San Bernardino or may be accessed online at https://www.sbmwd.org/agendacenter
- Please turn off or mute your cell phone while the meeting is in session.
- Any member of the public desiring to speak to the Water Board concerning any matter not on the agenda, but which is within the subject matter jurisdiction of the Water Board, may address the body during the period reserved for public comments. Said total period for public comments shall not exceed forty-five (45) minutes unless such time limit is extended by the Water Board. A three-minute limitation shall apply to each member of the public unless such time limit is extended by the Water Board. No member of the public shall be permitted to “share” his/her three minutes with any other member of the public.
- The Water Board may refer any item raised by the public to staff for appropriate action or have the item placed on the next agenda of the Water Board. However, no other action shall be taken nor discussion held by the Water Board on any item which does not appear on the agenda unless the action is otherwise authorized in accordance with the provisions of subdivision (b) of Section 54954.2 of the Government Code.
- Public comments will not be received on any item on the agenda when a public hearing has been conducted and closed.

IMPORTANT COVID-19 NOTICE

IN AN EFFORT TO PROTECT PUBLIC HEALTH AND PREVENT THE SPREAD OF COVID-19 (NOVEL CORONAVIRUS) THE SAN BERNARDINO MUNICIPAL WATER DEPARTMENT ENCOURAGES THE PUBLIC TO VIEW THIS WATER BOARD MEETING ONLINE. THE MEETING WILL BE LIVE STREAMED VIA YOUTUBE AT: https://bit.ly/YouTubeSBWater

MEMBERS OF THE PUBLIC WHO WISH TO COMMENT ON MATTERS BEFORE THE WATER BOARD MAY PARTICIPATE IN THE FOLLOWING WAYS:
1. IF ATTENDING IN PERSON, MAY PROVIDE COMMENT AT THE APPROPRIATE TIME DICTATED BY THE AGENDA AND WATER BOARD PRESIDENT.

2. COMMENTS AND CONTACT INFORMATION MAY BE E-MAILED TO Comments@sbmwd.org BY 8:30 A.M. THE DAY OF THE SCHEDULED MEETING TO BE INCLUDED IN THE WRITTEN RECORD.

3. CALLING 909-453-6340, LEAVING A RECORDED MESSAGE BY 8:30 A.M. THE DAY OF THE SCHEDULED MEETING, NOT TO EXCEED THREE (3) MINUTES, WHICH WILL THEN BE PLAYED DURING THE PUBLIC COMMENT SECTION OF THE AGENDA.

4. A REQUEST TO SPEAK MAY BE E-MAILED TO Comments@sbmwd.org AND, AT THE TIME OF THE REQUESTED AGENDA ITEM, THE WATER BOARD SECRETARY WILL PLACE A PHONE CALL TO THE COMMENTER AND ALLOW THEM TO SPEAK TO THE BOARD VIA SPEAKERPHONE DURING THE LIVE MEETING FOR UP TO THREE (3) MINUTES. PLEASE INDICATE ON WHICH ITEM YOU WISH TO SPEAK.

CALL TO ORDER

1. ANNOUNCEMENTS BY MEMBERS OF THE WATER BOARD

2. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA: A three-minute limitation shall apply to each member of the public who wishes to address the Water Board of any item not listed on the agenda. There is no limit on the number of items that may be discussed within the three-minute time limit. **To be called by the Water Board President, please see special public comments instructions above.**

3. PUBLIC COMMENTS ON ITEMS LISTED ON THE AGENDA: A three-minute limitation shall apply to each member of the public who wishes to address the Water Board of any item listed on the agenda, excluding public hearings. There is no limit on the number of items that may be discussed within the three-minute time limit. **To be called by the Water Board President, please see special public comment instructions above.**
4. **CONSENT CALENDAR**

**MOTION:** That the motions indicated by consent calendar items 4A through 4D be adopted, except for ______________.

**MOTION:** ______________ SECOND: ______________

A. **PAYROLL**

**MOTION:** Approve the payroll for the pay periods beginning December 19, 2022 through January 1, 2023 and January 2, 2023 through January 15, 2023.

B. **CONTRACTS AND BILLS**

**MOTION:** Approve the payment of contracts and bills to be presented at this meeting.

C. **MINUTES**

**MOTION:** Approve the minutes of December 13, 2022, of the Water Board.

D. **EXTENSION OF RESOLUTION NO. 2021-014 - AUTHORIZATION OF REMOTE TELECONFERENCE MEETINGS:** On December 14, 2021, the Water Board approved Resolution No. 2021-014, authorizing remote teleconference meetings of the legislative bodies of the San Bernardino Municipal Water Department.

Section 4 states that “the Water Board may extend the application of this Resolution by motion and majority vote by up to 30 days at a time, provided that it makes all necessary findings consistent with and pursuant to the requirements of Section 54953(e)(3).”

Due to the fluctuation of COVID-19 cases throughout California, it is necessary for the Water Board to continue to meet via teleconference.

**MOTION:** Extend the application of Resolution No. 2021-014, authorizing remote teleconference meetings for an additional thirty (30) days, as submitted.

**END OF CONSENT CALENDAR**

5. **ELECTION OF OFFICERS:** In accordance with the City of San Bernardino Board, Commission, and Citizen Advisory Committee Bylaws (Bylaws), Article I, Section 1, the officers of the Water Board shall include a President and Vice President. In addition, Article I, Section 2, of the Bylaws states that officers shall be elected by a majority of the commissioners present at the first regular meeting in January.
The current officers of the Water Board are Toni Callicott, President, and Wayne Hendrix, Vice President.

**MOTION:** Elect Officers in accordance with the *City of San Bernardino Board, Commission, and Citizen Advisory Committee Bylaws.*

**MOTION:** SECONDED: __________

6. **RATIFICATION OF ANNUAL EMPLOYMENT PRACTICES LIABILITY INSURANCE RENEWAL:** The Department’s Employment Practices Liability (EPL) coverage, from Ironshore, was secured in January 2022 and is now on a separate renewal schedule from all other lines of liability coverage. The current EPL insurance will expire on January 10, 2023. Staff requests that the Water Board ratify the renewal and binding of this coverage effective January 10, 2023.

The Department’s insurance broker, Marsh Risk & Insurance Services (Marsh), has marketed the Department’s 2022/2023 EPL coverage requirements, negotiated terms, and received a proposal from the incumbent insurer, Ironshore, on behalf of the Department coverage needs.

Adequate funds have been budgeted in fiscal year 2022/2023 to cover the renewal of the annual Employment Practices Liability insurance ($44,064), as well as all other annual liability insurance coverage approved at the October 25, 2022 and November 8, 2022 Water Board Meetings and the Pollution Legal Liability annual expense.

**MOTION:** Ratify the annual renewal of the recommended Employment Practices Liability insurance policy in the amount of $44,064; and authorize the General Manager to bind coverage effective January 10, 2023.

**MOTION:** SECONDED: __________

7. **REPORTS:**

A. Report of the President  
B. Report of the Commissioners  
C. Report of the Directors  
D. Report of the General Manager

8. **ADJOURNMENT**

**NOTE:** The next regular meeting of the Water Board is scheduled for 9:30 a.m., January 24, 2023, at The Margaret H. Chandler Water Reclamation Plant, 399 Chandler Place, San Bernardino, CA 92408 and via web-conference.
MINUTES
FOR THE
WATER BOARD OF THE CITY OF SAN BERNARDINO

DECEMBER 13, 2022

CALL TO ORDER
The Regular Meeting of the Water Board of the City of San Bernardino was called to order by President Toni Callicott at 9:30 AM, Tuesday, December 13, 2022, in-person, via web-conference, and livestream via YouTube.

ROLL CALL

<table>
<thead>
<tr>
<th>Attendee Name</th>
<th>Title</th>
<th>Status</th>
<th>Arrived</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cecilia “Toni” Callicott</td>
<td>President</td>
<td>Present</td>
<td>9:30 AM</td>
</tr>
<tr>
<td>Wayne Hendrix</td>
<td>Vice President</td>
<td>Present</td>
<td>9:30 AM</td>
</tr>
<tr>
<td>David Mlynarski</td>
<td>Board Member</td>
<td>Present</td>
<td>9:30 AM</td>
</tr>
<tr>
<td>Rikke Johnson</td>
<td>Board Member</td>
<td>Present</td>
<td>9:30 AM</td>
</tr>
<tr>
<td>Thomas Brickley</td>
<td>Board Member</td>
<td>Present</td>
<td>9:30 AM</td>
</tr>
<tr>
<td>Miguel Guerrero</td>
<td>General Manager</td>
<td>Present</td>
<td>9:30 AM</td>
</tr>
</tbody>
</table>

1. ANNOUNCEMENTS BY THE BOARD: None.

2. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA: None.

3. PUBLIC COMMENTS ON ITEMS LISTED ON THE AGENDA: None.
4. CONSENT CALENDAR – ITEMS 4A THROUGH 4N:

A. PAYROLL:

<table>
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<tr>
<th>Claims:303706-303865</th>
<th>Water Fund</th>
<th>Sewer Treatment</th>
<th>Sewer Collections</th>
<th>Total</th>
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<tr>
<td>Accounts Payable</td>
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<td>$1,464,018.55</td>
<td>$38,360.28</td>
<td>$2,916,474.58</td>
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<tr>
<td>Gross Payroll</td>
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<td>$227,397.22</td>
<td>$76,818.33</td>
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<tr>
<td>11/07/22-11/20/22</td>
<td>$1,749,251.34</td>
<td>$1,691,415.77</td>
<td>$115,178.61</td>
<td>$3,555,845.71</td>
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</tbody>
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Payroll for the pay periods beginning November 21, 2022 through December 4, 2022, and December 5, 2022 through December 18, 2022.

B. CONTRACTS AND BILLS: Contracts and bills presented at this meeting.

C. MINUTES: November 22, 2022.

D. EXTENSION OF RESOLUTION NO. 2021-014 - AUTHORIZATION OF REMOTE TELECONFERENCE MEETINGS: On December 14, 2021, the Water Board approved Resolution No. 2021-014, authorizing remote teleconference meetings of the legislative bodies of the San Bernardino Municipal Water Department.

Section 4 states that “the Water Board may extend the application of this Resolution by motion and majority vote by up to 30 days at a time, provided that it makes all necessary findings consistent with and pursuant to the requirements of Section 54953(e)(3).”

Due to the fluctuation of COVID-19 cases throughout California, it was necessary for the Water Board to continue to meet via teleconference.

MOTION: Extend the application of Resolution No. 2021-014, authorizing remote teleconference meetings for an additional thirty (30) days, as submitted.

E. LEAVE OF ABSENCE FOR SHERRIE VOSS - CUSTOMER SERVICE REPRESENTATIVE II: Sherrie Voss, Customer Service Representative II, was out due to a serious medical event since September 13, 2022 and expects to return to work on February 9, 2023.

MOTION: Ratify a Leave of Absence for Sherrie Voss from December 6, 2022, through February 8, 2023, as submitted.
F. **MINIMUM WAGE INCREASE EFFECTIVE JANUARY 1, 2023:** In May 2022 Governor Newsom announced that effective January 1, 2023, the minimum wage will increase to $15.50 per hour.

It was recommended that the hourly rate for the classification of Student Intern be increased to $15.50 per hour effective January 1, 2023. The General, Mid-Management, and Part-Time Salary Schedule Exhibit was revised to reflect this change.

The fiscal impact for these changes is minimal and would be absorbed by salary savings in the respective Divisions with Student Intern positions.

**MOTION:** Approve the pay rate change for the classification of Student Intern (91903) from $15 per hour to $15.50 per hour effective January 1, 2023, as submitted.

G. **REVISED JOB DESCRIPTION FOR WATER UTILITY OPERATIONS SUPERINTENDENT:** The supervisory experience requirement was being revised from 5 years to 4 years at that time in order to attract a larger pool of qualified candidates, with salary range (271) and job duties remaining the same. Staff recommended that the Board ratify the change in supervisory experience.

**MOTION:** Ratify the revised job description for Water Utility Operations Superintendent (51798) effective October 24, 2022, as submitted.

H. **REVISED POLICY #32.070 – FAMILY, MEDICAL, AND PREGNANCY DISABILITY LEAVE:** On September 29, 2022, Governor Newsom signed Assembly Bill 1041 (AB 1041) into law with an effective date of January 1, 2023. The policy was revised to incorporate changes specified in AB 1041.

**MOTION:** Approve revised Policy #32.070 Family, Medical, and Pregnancy Disability Leave to incorporate the changes specified in AB 1041, as submitted.

I. **RESOLUTION APPROVING THE EIGHTH AMENDMENT TO THE MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF SAN BERNARDINO WATER BOARD AND THE SAN BERNARDINO WATER DEPARTMENT EMPLOYEES’ ASSOCIATION DATED JULY 1, 2016, AMENDING ARTICLE V – LEAVE, 5.1 – HOLIDAY LEAVE; 5.2 SICK LEAVE; AND 5.4 BEREAVEMENT LEAVE:** The Memorandum of Understanding between the City of San Bernardino Water Board and the San Bernardino Water Board and the San Bernardino Water Department Employees’ Association was amended to reflect the following changes:

- Juneteenth was added to the Department’s designated holidays and would be observed beginning June 19, 2023; and
• Assembly Bill 1041 (AB 1041) which would be effective January 1, 2023, expanding leave under the Healthy Families Act of 2014 to permit eligible employees of covered employers to take sick leave to care for individuals who were not family members; and
• Assembly Bill 1949 (AB1949) amended the California Fair Employment and Housing Act (FEHA) to entitle eligible employees to take up to five (5) days of unpaid bereavement leave upon the death of a covered family member.

Specific changes and requirements were outlined in the MOU.

MOTION: Adopt Resolution No. 2022-034, approving the eighth amendment to the Memorandum of Understanding Between the City of San Bernardino Water Board and the San Bernardino Water Department Employees’ Association dated July 1, 2016, amending Article V – Leave, 5.1 – Holiday Leave; 5.2 Sick Leave; and 5.4 Bereavement Leave, as submitted.

J. RESOLUTION APPROVING THE SEVENTH AMENDMENT TO THE MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF SAN BERNARDINO WATER BOARD AND THE SAN BERNARDINO ASSOCIATION OF WATER DEPARTMENT MID-MANAGERS DATED JULY 1, 2018, AMENDING ARTICLE V – LEAVE, 5.1 – HOLIDAY LEAVE; 5.3 SICK LEAVE; AND 5.4 BEREAVEMENT LEAVE: The Memorandum of Understanding between the City of San Bernardino Water Board and the San Bernardino Water Board and the San Bernardino Association of Water Department Mid-Managers was amended to reflect the following changes:

• Juneteenth was added to the Department’s designated holidays and would be observed beginning June 19, 2023; and
• Assembly Bill 1041 (AB 1041) which would be effective January 1, 2023, expanding leave under the Healthy Families Act of 2014 to permit eligible employees of covered employers to take sick leave to care for individuals who were not family members; and
• Assembly Bill 1949 (AB1949) amended the California Fair Employment and Housing Act (FEHA) to entitle eligible employees to take up to five (5) days of unpaid bereavement leave upon the death of a covered family member.

Specific changes and requirements were outlined in the MOU.

MOTION: Adopt Resolution No. 2022-035, approving the seventh amendment to the Memorandum of Understanding Between the City of San Bernardino Water Board and the San Bernardino Association of Water Department Mid-Managers dated July 1, 2018, amending Article V – Leave, 5.1 – Holiday Leave; 5.2 Sick Leave; and 5.4 Bereavement Leave, as submitted.
K. RESOLUTION APPROVING THE EIGHTH AMENDMENT TO RESOLUTION NO. 928 WITH THE WATER DEPARTMENT MANAGEMENT AND CONFIDENTIAL EMPLOYEES DATED JULY 1, 2018, AMENDING SECTION 3 – LEAVE, A – HOLIDAY PROVISION, 6; C – SICK LEAVE AND C7; AND D – BEREAVEMENT LEAVE: Resolution No. 928 with the Management and Confidential Employees was amended to reflect the following changes:

- Juneteenth was added to the Department’s designated holidays and would be observed beginning June 19, 2023; and
- Assembly Bill 1041 (AB 1041) which would be effective January 1, 2023, expanding leave under the Healthy Families Act of 2014 to permit eligible employees of covered employers to take sick leave to care for individuals who were not family members; and
- Assembly Bill 1949 (AB1949) amended the California Fair Employment and Housing Act (FEHA) to entitle eligible employees to take up to five (5) days of unpaid bereavement leave upon the death of a covered family member.

Specific changes and requirements were outlined in the Resolution.

MOTION: Adopt Resolution No. 2022-036, approving the eighth amendment to Resolution No. 928 with the Water Department Management and Confidential Employees dated July 1, 2018, amending Section 3 – Leave, A Holiday Provision, 6; C – Sick Leave and C7; and D Bereavement Leave, as submitted.

L. RESOLUTION APPROVING THE FIFTEENTH AMENDMENT TO RESOLUTION NO. 658 FOR THE WATER DEPARTMENT REGULAR PART-TIME EMPLOYEES COMPENSATION AND BENEFITS PLAN DATED APRIL 1, 2005, AMENDING SECTION 3 – LEAVE, A – SICK LEAVE 1 AND 8; AND ADDING D – BEREAVEMENT LEAVE: Resolution No. 658 for the Regular Part-Time Employees Compensation and Benefits Plan was amended to reflect the following changes:

- Assembly Bill 1041 (AB 1041) which would be effective January 1, 2023, expanding leave under the Healthy Families Act of 2014 to permit eligible employees of covered employers to take sick leave to care for individuals who were not family members; and
- Assembly Bill 1949 (AB1949) amended the California Fair Employment and Housing Act (FEHA) to entitle eligible employees to take up to five (5) days of unpaid bereavement leave upon the death of a covered family member.

Specific changes and requirements were outlined in the Resolution.
MOTION: Adopt Resolution No. 2022-037, approving the fifteenth amendment to Resolution No. 658 with the Water Department Regular Part-Time Employees dated April 1, 2005, amending Section 3 – Leave A – Sick Leave 1 and 8; and adding D – Bereavement Leave, as submitted.

M. UNCOLLECTIBLE UTILITY CUSTOMER ACCOUNTS: Under the procedures established under San Bernardino Municipal Water Department Board Policy Number 54.020, “Write-off of Uncollectible Accounts Receivable”, the Finance Division compiled a listing of accounts that were determined to be uncollectible according to the criteria outlined in the policy. There were two (2) utility accounts with balances totaling $3,2627.47 that were deemed uncollectible.

At this time, there was no fiscal impact as this estimated amount was sufficient to cover the amount of proposed uncollectible accounts.

MOTION: Approve the list of uncollectible accounts and direct staff to write-off these accounts, as submitted.

N. REPORT ON WATER DEPARTMENT INVESTMENTS – QUARTER ENDING SEPTEMBER 30, 2022: Staff recommended that the Water Board receive and file the Investment Report for the quarter ending September 30, 2022, as submitted.

RESULT: APPROVED 5-0 BY ROLL CALL VOTE
MOVER: R. Johnson
SECONDER: W. Hendrix
ABSTAINED: N/A
ABSENT: N/A

END OF CONSENT CALENDAR

5. MEMORANDUM OF UNDERSTANDING WITH SANTA ANA WATERSHED PROJECT AUTHORITY AND NORTH AMERICAN WEATHER CONSULTANTS, INC. FOR OPERATION OF SILVER IODIDE NUCLEAR GENERATOR: In 2020, a feasibility study commissioned by Santa Ana Watershed Project Authority (SAWPA) and conducted by the North American Weather Consultants, Inc. (NAWC) indicated that weather modification, also known as cloud seeding, in the Santa Ana River Watershed was technically and economically feasible. The study projected an increase of 7-13% in streamflow runoff or approximately 8,200 acre-feet per year at a cost of approximately $25 per acre-foot. To ensure validation of the projected increased precipitation and streamflow, a four-year pilot project for the watershed was approved by the SAWPA Commission in July 2022 and it was scheduled to begin operation in November 2023.
SAWPA proposed a partnership that would provide NAWC temporary use of a Department property for placement and operation of a silver iodide nuclear generator which would provide the cloud seeding. The proposed memorandum of understanding was a joint agreement between NAWC, SAWPA, and the Department, and it provided adequate protection to the Department from any risk or liability as a result of the seeding unit operations.

There was no cost to the Water Department. The Department’s contribution to SAWPA’s cloud seeding effort was in the form of providing an area on Department property at no cost for the placement and operation of a cloud seeding unit.

Mark Norton, SAWPA’s Water Resources and Planning Manager, presented background and specific information on the cloud seeding pilot project to the Water Board.

Commissioner Brickley asked Mr. Norton if there was any opposition to this project.

Mr. Norton stated that SAWPA coordinated extensive outreach and made presentations to weather consultants, non-profit organizations, Native American tribes, and institutions and have received support from all of those entities.

Mr. Norton stated that on occasion, individual citizens have done internet research and have spoken on the dangers of silver and particles in the air at SAWPA meetings, but it was very minimal and there has been no major opposition to the project.

Commissioner Hendrix asked if the Department would be responsible to provide security for the equipment being used for this project.

General Manager Guerrero stated that the Department already had security in place within the fenced area where the project would be conducted.

Commissioner Mlynarski asked if the Department had any obligation to enter into any future agreements after this test program was completed or is it under the Department’s discretion.

Thomas Rice stated that there was no obligation and the agreement was a five (5) year contract that the Department may terminate at any time, and if it is successful the agreement may be renegotiated with Water Board approval.

Commissioner Mlynarski asked if there were economic benefits to other stakeholders in the area.

Mr. Garrett Cammans stated that there would be additional benefits to other entities, such as ski resorts, reservoirs that are fished, etc., but NAWC focused more on assisting public entities in providing more irrigation and pure water in order to provide more sources of water to customers.
Commissioner Johnson asked what the factors were in determining the area that was selected for this project.

Mr. Cammans stated that there were a lot of factors involved in determining a good target area for ground and/or aerial seeding methods.

Mr. Cammans stated that if implementation of aerial seeding were to be conducted in this SAWPA watershed, the focus would be on the portions of the watershed that had the most potential for additional increased run off from production of rain or snow pack.

General Manager recapped the MOU and stated that it was a four and a half (4 ½) year term for space at no cost to the Department.

**MOTION:** Approve the Memorandum of Understanding (MOU) with the Santa Ana Watershed Project Authority and North American Weather Consultants, Inc. for the operation of a Silver Iodide Nuclear Generator. The General Manager was authorized to execute the MOU.

**RESULT:** APPROVED 5-0 BY ROLL CALL VOTE

**MOVED:** D. Mlynarski

**SECONDER:** W. Hendrix

**ABSTAINED:** N/A

**ABSENT:** N/A

6. **APPROVAL OF A PROFESSIONAL SERVICES AGREEMENT BETWEEN THE SAN BERNARDINO MUNICIPAL WATER DEPARTMENT AND DCSE FOR GEOGRAPHIC INFORMATION SYSTEM (GIS) UTILITY NETWORK MODEL MIGRATION – SPECIFICATION NO. 1781:** SBMWD Enterprise GIS migration with Geometric Network model was completed in 2010 and proved to be a powerful management and technical tool that provided comprehensive GIS solutions.

The ArcGIS Desktop-ArcMap component and the Geometric Network was set to retire soon and would not be supported by Environmental Systems Research Institute (ESRI), resulting in the need for an update to support the new ArcGIS Pro and Utility Network.

Based on staff’s review of the RFP responses and fee proposals, staff recommended DCSE, Inc. be awarded a Professional Services Agreement for the *GIS Utility Network Model Migration*.

The funding source for this project was the FY 2022/23 Maintenance and Operation Expense, Section 3060 – Account No. 100-3060-560-5505, with an approved budget of $200,000.00

**MOTION:** Approve the Professional Services Agreement with DCSE Inc., for the GIS Utility Network Model Migration, for an amount not-to-exceed $186,026.00. The General Manager was authorized to execute the agreement.
RESULT: APPROVED 5-0 BY ROLL CALL VOTE
MOVER: T. Brickley
SECONDER: W. Hendrix
ABSTAINED: N/A
ABSENT: N/A

7. APPROVAL OF PURCHASE ORDER FOR THE INSTALLATION OF ONE (1) 6-INCH FIRE SERVICE AT 258 E. REDLANDS BOULEVARD: Two bids were received and opened on October 12, 2022, from the Department’s on-call contractors to install one (1) 6-inch fire service for GP Builders at 258 E. Redlands Boulevard.

Staff recommended that the Water Board approve the issuance of a Purchase Order in the amount of $56,000.00 to El-Co Contractors, Inc.

The funding source for this contract was a construction order assigned for FY 2022/23, No. 11088 Fire Services. A series of construction orders were generated each fiscal year to capture costs for the installation of typical service requests, including fire services. Collected installation fees would be deposited into the account for CO No. 11088.

MOTION: Approve the purchase order for the installation of one (1) 6-inch fire service by El-Co Contractors, Inc., in the amount of $56,000.00.

RESULT: APPROVED 5-0 BY ROLL CALL VOTE
MOVER: R. Johnson
SECONDER: T. Brickley
ABSTAINED: N/A
ABSENT: N/A

8. GRANT OF EASEMENT TO SOUTHERN CALIFORNIA EDISON FOR ELECTRICAL FACILITIES AT THE 796 EAST 6TH STREET, APN 0278-191-30: Southern California Edison (SCE) requested to enlarge an existing easement on Department owned land at the northwest corner of the Community Gardens located at 796 E. 6th Street.

SCE provided the Department with an easement document for execution and staff found it to be acceptable for recordation. There was no fiscal impact associated with this approval of this easement.

MOTION: Approve a Grant of Easement to SCE for undergrounding of the powerlines at the northwest corner of 796 E. 6th Street (APN 0278-191-30) and as described in the easement documents. Staff was authorized to submit the easement documents to the General Manager and County for recordation.
RESULT: APPROVED 5-0 BY ROLL CALL VOTE
MOVER: W. Hendrix
SECONDER: D. Mlynarski
ABSTAINED: N/A
ABSENT: N/A

9. APPROVAL OF A PROFESSIONAL SERVICES AGREEMENT BETWEEN THE SAN BERNARDINO MUNICIPAL WATER DEPARTMENT AND LUDWIG ENGINEERING ASSOCIATES, INC. FOR ENGINEERING SERVICES FOR LOWER ZONE PIPELINE REPLACEMENT PROJECT (CO 11008): In 2013, design drawings were completed for the Lower Zone Pipeline Replacement Project, which proposed replacement of various water pipelines across the Department’s Lower pressure zone.

Updates to the original bid documents were necessary to reflect field changes since 2013, including revised connection details and updates to material standards. In October 2022, the Department requested a proposal for professional engineering services from Ludwig Engineering Associates, Inc., to update the bid documents as the Engineer of Record. The scope of work included development of revised construction documents, bid phase assistance, engineering services during construction (ESDC), and preparation of record drawings.

The funding source for this project was the FY 2022/2023 Water Fund Capital Improvement Project titled Lower Zone – Rialto Ave and K Street Pipeline Replacement (C.O. 11008). This construction order had a total of $1,580,000.00 in unencumbered funds.

MOTION: Approve the Professional Services Agreement with Ludwig Engineering Associates, Inc., for Engineering Services for Lower Zone Pipeline Replacement Project, for an amount not-to-exceed SIXTY-FIVE THOUSAND FIVE HUNDRED FORTY DOLLARS ($65,540.00). The General Manager was authorized to execute the agreement.

RESULT: APPROVED 5-0 BY ROLL CALL VOTE
MOVER: D. Mlynarski
SECONDER: T. Brickley
ABSTAINED: N/A
ABSENT: N/A

10. ADOPTION AND APPROVAL BY THE WATER BOARD OF ADDENDUM NO. 1 TO THE PREVIOUSLY ADOPTED MITIGATED NEGATIVE DECLARATION FOR THE VERDEMONT WATER INFRASTRUCTURE PROJECT: Pursuant to the provisions of California Environmental Quality Act (CEQA) and State and local CEQA Guidelines, the City of San Bernardino Municipal Water Department (Department) was the Lead Agency for the Verdemont Water Infrastructure Project. The Department was required to review and consider the potential environmental effects that could result from modifying the original project relative to the previously approved Initial Study (IS) and corresponding Mitigated Negative Declaration (MND).
The Department utilized Tom Dodson and Associates to compile this Addendum as the basis for making a new CEQA environmental determination for the project based on the changes in environmental circumstances since the 2007 IS/MND was adopted.

There was no fiscal impact associated with this Agenda item.

**MOTION:** Adopt Addendum No. 1 to the Verdemont Water Infrastructure Project Mitigated Negative Declaration SCH No. 2007031079; and

Staff was authorized to file a Notice of Determination with the County of San Bernardino Clerk of the Board of Supervisors within five (5) business days of adoption; and

Staff was authorized to file a Notice of Determination with the State Office of Planning and Research, State Clearinghouse within five (5) business days of adoption.

**RESULT:** APPROVED 5-0 BY ROLL CALL VOTE

**MOVER:** R. Johnson

**SECONDER:** W. Hendrix

**ABSTAINED:** N/A

**ABSENT:** N/A

11. **APPROVAL OF EPA WELL NO. 001 WELL REHABILITATION BY GENERAL PUMP COMPANY, INC.:** Extraction well EPA No. 001 operated as part of the Newmark Operable Unit (OU) Remedial Action under the terms negotiated with the United States Environmental Protection Agency (USEPA). In October 2021, the existing pump and motor failed due to motor grounding issues.

In September 2022, staff issued a Request for Qualifications (RFQ) under Specification No. 1751 -Well Rehabilitation Assessment and Repair. Five (5) prequalified well rehabilitation contractors were asked to execute a new slimmer design and installation of new equipment.

Staff recommended approval of this expenditure of $246,799.00 from existing funds in the 2022/23 Fiscal Year Capital Budget under Annual R/R - EPA Extraction Wells (CO 11077), with available funding of approximately $400,000.00.

**MOTION:** Approve the rehabilitation of EPA Well No. 001 by General Pump Company, Inc., in the amount of $246,799.00.

**RESULT:** APPROVED 5-0 BY ROLL CALL VOTE

**MOVER:** T. Brickley

**SECONDER:** W. Hendrix

**ABSTAINED:** N/A

**ABSENT:** N/A
12. APPROVAL OF GOODS PURCHASE AGREEMENT WITH WESTECH ENGINEERING, LLC FOR THE REPLACEMENT OF THE DISSOLVED AIR FLOWATION TANK (DAFT) NO. 2 DRIVE MECHANISM - SPECIFICATION NO. 1785: The Water Reclamation Plant (WRP) houses four (4) Dissolved Air Flotation Tanks (DAFT) utilized as a part of the wastewater treatment process. The clarifier drive mechanism for DAFT No. 2 was in service since construction in 1986 and was now beyond its useful design life and failed, rendering the unit inoperable.

On October 27, 2022, staff issued a request for proposals (RFP) to all firms registered in PlanetBids. One vendor responded to the RFP on November 11, 2022 and staff recommended WesTech Engineering, LLC to replace DAFT No. 2 drive mechanism for the amount not-to-exceed $146,236.13.

The funding source for this agreement was the FY 2022/2023 budget; Account No. 200-4090-580-8080, CO 00277 Annual R/R- Solids Handling System.

MOTION: Approve the Goods Purchase Agreement with WesTech Engineering, LLC, in an amount not-to-exceed ONE HUNDRED FORTY-SIX THOUSAND TWO HUNDRED THIRTY-SIX AND 13/100 DOLLARS ($146,236.13) to replace the DAFT No. 2 Drive. The General Manager was authorized to execute the Agreement.

RESULT: APPROVED 5-0 BY ROLL CALL VOTE
MOVER: D. Mlynarski
SECONDER: W. Hendrix
ABSTAINED: N/A
ABSENT: N/A

13. REPORTS:

A. Report of the President – None.

B. Report of the Commissioners – None.

C. Report of the Directors –

1. Director Miller stated that the Facilities Relocation Project schedule was in place to put the project out to bid in January 2023.

   Commissioner Mlynarski stated that it was a pleasure and insightful to work with Commissioner Johnson and staff on the Ad-Hoc Committee and that the end result would free up land downtown for possible City use.

2. Director Stewart stated that the Department staff was interviewed for the CWEA Project Achievement Award for the Digester Gas Beneficial Use Program.
3. Deputy General Manager Ohama stated that the Department participated in the 10th annual HoHo Parade and thanked Warehouse and Fleet staff for their hard work in decorating the truck for this event.

4. Deputy General Manager Ohama stated that the FMLA policy was revised to reflect the definition of the state mandated expansion of caring for qualifying individuals similar to family members.

5. Deputy General Manager Ohama stated that the Department’s bereavement leave was currently three (3) paid days off and an additional two (2) unpaid days off were added and may likely be changed to five (5) paid days during negotiations.

6. Deputy General Manager Ohama stated that the Department added Juneteenth to its holiday schedule to mirror the City’s adoption of the holiday.

D. Report of the General Manager –

1. General Manager Guerrero provided a COVID-19 update to the Water Board. San Bernardino County current case rate as well as the current positivity rate had increased, but that was to be expected due to the colder weather.

General Manager Guerrero stated that there were no changes to daily operations and that the special leave was available through the end of the year.

14. ADJOURNMENT:

The next regular meeting of the Water Board was scheduled for 9:30 a.m., January 10, 2023 at the Margaret H. Chandler Water Reclamation Plant, located at 399 Chandler Place, San Bernardino, CA, 92408 or via web-conference.

By: __________________________
Miguel J. Guerrero, P.E.
General Manager
TO: Water Board Commissioners

FROM: Miguel J. Guerrero, P.E., General Manager

SUBJECT: EXTENSION OF RESOLUTION NO. 2021-014 - AUTHORIZATION OF REMOTE TELECONFERENCE MEETINGS

DATE: December 28, 2022

BACKGROUND:

On December 14, 2021, the Water Board approved Resolution No. 2021-014, authorizing remote teleconference meetings of the legislative bodies of the San Bernardino Municipal Water Department.

Section 4 of Resolution No. 2021-014 states that “the Water Board may extend the application of this Resolution by motion and majority vote by up to 30 days at a time, provided that it makes all necessary findings consistent with and pursuant to the requirements of Section 54953(c)(3).”

Due to the fluctuation of COVID-19 cases throughout California, it is necessary for the Water Board to continue to meet via teleconference.

RECOMMENDATION:

It is recommended that the Water Board make the following motion:

➢ Extend the application of Resolution No. 2021-014, authorizing remote teleconference meetings for an additional thirty (30) days.

Respectfully submitted,

Miguel J. Guerrero, P.E.
General Manager

Attachments: December 14, 2021 Staff Report w/ Resolution No. 2021-014

MJG:as

Agenda Item 4D
TO: Water Board Commissioners  
FROM: Miguel J. Guerrero, P.E., General Manager  
SUBJECT: AUTHORIZATION OF REMOTE TELECONFERENCE MEETINGS  
DATE: November 30, 2021

BACKGROUND/DISCUSSION:
Starting in March 2020, in response to the spread of COVID-19 in the State of California, the Governor issued a number of executive orders aimed at containing the COVID-19 virus. Among other things, these orders waived certain requirements of the Brown Act to allow legislative bodies to meet virtually. The Governor’s executive order related to the suspension of certain provisions of the Brown Act expired on September 30, 2021. On September 16, 2021, the Governor signed Assembly Bill (AB) 361 (in effect as of October 1, 2021), which allows legislative bodies to meet virtually provided there is a state of emergency, and either: (1) state or local officials have imposed or recommended measures to promote social distancing; or (2) the legislative body determines by majority vote that meeting in person would present imminent risks to the health and safety of attendees.

The Water Board is committed to preserving and nurturing public access and participation in its meetings and the meetings of its subordinate committees. Pursuant to the Governor’s executive orders, the Water Board has been holding virtual meetings during the pandemic in the interest of protecting the health and safety of the public, staff and officials. As required by AB 361, the Water Board must adopt a resolution authorizing remote teleconference meetings to continue meeting virtually. Given that the Water Department continues to operate under state of emergency and local and state officials recommend measures to promote social distancing and limit the spread of COVID-19, adopting such resolution is recommended.

GOALS AND OBJECTIVES:
The adoption of a resolution to continue virtual meetings due to the ongoing pandemic aligns with the Department’s Strategic Plan under Target #1: Organizational Development and Target #3: Customer Service/Public Relations, specifically the action to continue to prioritize the safety and health of Department employees and the community through the pandemic.

FISCAL IMPACT:
There is no fiscal impact as a result of adopting a resolution to continue holding virtual meetings.
SUBJECT: AUTHORIZATION OF REMOTE TELECONFERENCE MEETINGS

RECOMMENDATION:

It is recommended that the Water Board make the following motion:

➢ Adopt a Resolution authorizing remote teleconference meetings of the legislative bodies of the San Bernardino Municipal Water Department.

Respectfully submitted,

Miguel J. Guerrero, P.E.
General Manager

Attachments: Resolution – Authorization of Remote Teleconference Meetings
RESOLUTION NO. 2021-014

RESOLUTION OF THE WATER BOARD OF THE CITY OF SAN BERNARDINO, CALIFORNIA, AUTHORIZING REMOTE TELECONFERENCE MEETINGS OF THE LEGISLATIVE BODIES OF THE SAN BERNARDINO MUNICIPAL WATER DEPARTMENT

WHEREAS, in accordance with Section 603 of the City Charter, the Water Board is responsible for oversight and management of the City’s water supply, recycled water, wastewater collection and treatment functions; and

WHEREAS, the Water Board is committed to preserving and nurturing public access and participation in its meetings and the meetings of its subordinate committees; and

WHEREAS, all meetings of the Department’s legislative bodies are open and public, as required by the Ralph M. Brown Act, so that any member of the public may attend and participate in the Water Board’s meetings; and

WHEREAS, starting in March 2020, in response to the spread of COVID-19 in the State of California, the Governor issued a number of executive orders aimed at containing the COVID-19 virus; and

WHEREAS, among other things, these orders waived certain requirements of the Brown Act to allow legislative bodies to meet virtually; and

WHEREAS, pursuant to the Governor’s executive orders, the Water Board has been holding virtual meetings during the pandemic in the interest of protecting the health and safety of the public, staff and officials; and

WHEREAS, the Governor’s executive order related to the suspension of certain provisions of the Brown Act expired on September 30, 2021; and

WHEREAS, on September 16, 2021 the Governor signed AB 361 (in effect as of October 1, 2021), which allows legislative bodies to meet virtually provided there is a state of emergency, and either: (1) state or local officials have imposed or recommended measures to promote social distancing; or (2) the legislative body determines by majority vote that meeting in person would present imminent risks to the health and safety of attendees; and

WHEREAS, such conditions now exist in the Department’s territory, specifically, a state of emergency has been proclaimed related to COVID-19 and state or local officials are recommending measures to promote social distancing.

BE IT RESOLVED BY THE WATER BOARD OF THE CITY OF SAN BERNARDINO AS FOLLOWS:

SECTION 1. Recitals. The above recitals are true and correct and are incorporated herein by this reference.
SECTION 2. Findings. Consistent with the provisions of Government Code Section 54953(e), the Water Board finds and determines that: (1) a state of emergency related to COVID-19 is currently in effect; and (2) state or local officials have recommended measures to promote social distancing in connection with COVID-19.

SECTION 3. Remote Teleconference Meetings: Based on the findings and determinations included herein, the Water Board authorizes any of its legislative bodies, including without limitation its subordinate committees, to conduct remote teleconference meetings under the provisions of Government Code Section 54953(e) and that such bodies shall provide public access to their meetings as provided in Section 54953(e).

SECTION 4. Extension by Motion. The Water Board may extend the application of this Resolution by motion and majority vote by up to 30 days at a time, provided that it makes all necessary findings consistent with and pursuant to the requirements of Section 54953(e)(3).

SECTION 5. Severability. If any provision of this Resolution or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications, and to this end the provisions of this Resolution are declared to be severable.

SECTION 6. Effective Date. This Resolution shall become effective immediately.

APPROVED and ADOPTED by the Water Board and signed by the President of the Water Board and attested by the Deputy City Clerk & Ex Officio Secretary of the Water Board this 14th day of December, 2021.

[Signature]
Toni Callicott, President
City of San Bernardino Water Board

Attest:

[Signature]
Robin Ohama
Deputy City Clerk & Ex Officio Secretary of the Water Board
CERTIFICATION

STATE OF CALIFORNIA )
COUNTY OF SAN BERNARDINO) ss
CITY OF SAN BERNARDINO )

I, Robin Ohama, Deputy City Clerk & Ex Officio Secretary of the Water Board, hereby certify that the attached is a true copy of Resolution No. _____ adopted at a regular meeting held on the ___ day of ______, 2021 by the following vote:

<table>
<thead>
<tr>
<th>Council Members:</th>
<th>AYES</th>
<th>NAYS</th>
<th>ABSTAIN</th>
<th>ABSENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>CALLICOTT</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>HENDRIX</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>MLYNARSKI</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>BRICKLEY</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>JOHNSON</td>
<td>X</td>
<td></td>
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</tr>
</tbody>
</table>

WITNESS my hand and official seal of the City of San Bernardino this 14th day of December, 2021.

Robin Ohama  
Deputy City Clerk & Ex Officio Secretary of the Water Board
CITY OF SAN BERNARDINO
MUNICIPAL WATER DEPARTMENT

WATER BOARD
STAFF REPORT

TO: Water Board Commissioners
FROM: Miguel J. Guerrero, P.E., General Manager
SUBJECT: ELECTION OF OFFICERS
DATE: December 28, 2022

BACKGROUND:

In accordance with the City of San Bernardino Board, Commission, and Citizen Advisory Committee Bylaws (Bylaws), Article I, Section 1, the officers of the Water Board shall include a President and Vice President. In addition, Article I, Section 2, of the Bylaws states that officers shall be elected by a majority of the commissioners present at the first regular meeting in January.

The current officers of the Water Board are Toni Callicott, President, and Wayne Hendrix, Vice President.

RECOMMENDATION:

Staff recommends that the Water Board make the following motion:

Elect Officers in accordance with the City of San Bernardino Board, Commission, and Citizen Advisory Committee Bylaws.

Respectfully submitted,

Miguel J. Guerrero, P.E.
General Manager

MJG:as
TO: Miguel J. Guerrero, P.E., General Manager
FROM: Jennifer L. Shepardson, Director of Environmental & Regulatory Compliance
SUBJECT: RATIFICATION OF ANNUAL EMPLOYMENT PRACTICES LIABILITY INSURANCE RENEWAL
DATE: January 3, 2023
COPIES: C. Mouser, E. Razo, File

BACKGROUND:

Effective October 30, 2022, the Department renewed its annual liability insurance coverage for casualty, excess liability, crime and cyber security. The Water Board approved the crime and cyber security renewal at the October 25, 2022 Water Board Meeting. The total costs of these two policies is $30,679 ($4,868 and $25,811, respectively). At the time of the October 25, 2022 Water Board Meeting, quotes on Casualty, Excess Liability and Automobile coverage were not available. The Department received these quotes on October 27, 2022 and bound coverage on these lines of insurance prior to expiration of the existing policies on October 30, 2022. The renewal of these lines of coverage were ratified by the Water Board on November 8, 2022 for a total amount of $957,220.

The Pollution Legal Liability (PPL) coverage is on a three-year term and the Department is on the third year of this coverage. Next year, this line of insurance will follow the same renewal schedule as the Crime, Cyber Security, Casualty, Excess Liability and Automobile insurance on October 30, 2023.

As noted at the October 25, 2022 and November 8, 2022 Water Board Meetings, the Department's Employment Practices Liability (EPL) coverage, from Ironshore, was secured in January 2022, so this line of coverage is now on a separate renewal schedule from all other lines of liability coverage. The current EPL insurance will expire on January 10, 2023. This report focuses on this specific line of coverage and requests that the Water Board ratify the renewal and binding of this coverage effective January 10, 2023.

The Department's insurance broker, Marsh Risk & Insurance Services (Marsh), has marketed the Department's 2022/2023 EPL coverage requirements, negotiated terms, and received a proposal from the incumbent insurer, Ironshore, on behalf of the Department coverage needs. The coverage terms, premiums and self-insured retention for all liability insurance renewals are included in the Coverage Summary Table below to provide the Water Board clarity on what the total fiscal liability insurance expense for fiscal year 2022/2023 will be for the Department.
Employment Practices Liability

Employment practices coverage protects the Department against claims from employees, such as discrimination, retaliation, harassment or wrongful termination. The expiring 2021/2022 policy from Ironshore carried a $3,000,000 primary limit and a $250,000 deductible at a premium of $44,150. Ironshore offered the same coverage limit with the same self-insured retention for fiscal year 2023/2024 for a premium of $44,064, a slight decrease of 0.9% compared to last year’s premium.

### Coverage Summary Table

<table>
<thead>
<tr>
<th></th>
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<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Casualty</td>
<td>Munich</td>
<td>$353,476</td>
<td>$2M over $1M SIR</td>
<td>$335,858</td>
<td>$17,618</td>
<td>5.2%</td>
</tr>
<tr>
<td>Excess Liability (1st Layer)</td>
<td>Allied Public Risk</td>
<td>$395,019</td>
<td>$10M over $3M</td>
<td>$252,300</td>
<td>$142,719</td>
<td>56.6%</td>
</tr>
<tr>
<td>Excess Liability (2nd Layer)</td>
<td>Colony</td>
<td>$208,725</td>
<td>$10 M over $13 M</td>
<td>$172,425</td>
<td>$36,300</td>
<td>21.1%</td>
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<tr>
<td>Automobile</td>
<td>Munich</td>
<td>Included in Casualty</td>
<td>Included in Casualty</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Employment Practices</td>
<td>Ironshore</td>
<td>$44,064</td>
<td>$3M with $250,000 SIR</td>
<td>$44,105</td>
<td>$41</td>
<td>0.09%</td>
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<tr>
<td>Crime Shield</td>
<td>Hartford</td>
<td>$4,868</td>
<td>$1 M with $10,000 SIR</td>
<td>$4,526</td>
<td>$342</td>
<td>7.6%</td>
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<tr>
<td>Cyber Security</td>
<td>AIG</td>
<td>$25,811</td>
<td>$500K; $250K; $100K with $100K SIR (see desc. below)</td>
<td>$22,694</td>
<td>$3,117</td>
<td>13.7%</td>
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<tr>
<td>Pollution Legal</td>
<td>Zurich (Z-Choice)</td>
<td>$78,129</td>
<td>$10M per occurrence; $20M aggregate; 25K SIR</td>
<td>$78,129</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td>$1,110,092</td>
<td></td>
<td>$910,037</td>
<td>$200,055</td>
<td>22%</td>
</tr>
</tbody>
</table>

**Goals and Objectives:**
This request to renew the Employment Practices Liability insurance layer; and authorize the General Manager to bind these policy effective January 10, 2023 aligns with the Department’s Strategic Plan under Target #5 Fiscal Responsibility, Goals #14 & #15: Address the Department’s reserve policy and funding, and address ways and means to increase transparency. The purchase of liability insurance will assist the Department’s management team in risk-related cost budgeting and aid them in long-term financial planning for all the Department’s enterprise funds.

**FISCAL IMPACT:**

Adequate funds have been budgeted in fiscal year 2022/2023 to cover the renewal of the annual Employment Practices Liability insurance ($44,064), as well as all other annual liability insurance coverage approved at the October 25, 2022 and November 8, 2022 Water Board Meetings and the Pollution Legal Liability annual expense.

The total cost of all policies discussed above is $1,110,092. Funding in the amount of $1,209,000 was included in the 2022/2023 Fiscal Year Budget.

<table>
<thead>
<tr>
<th>Fund</th>
<th>Budget</th>
<th>Premium Cost</th>
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<tbody>
<tr>
<td>Water</td>
<td>$604,500</td>
<td>$555,046</td>
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<tr>
<td>Sewer</td>
<td>$483,600</td>
<td>$444,037</td>
</tr>
<tr>
<td>RIX</td>
<td>$120,900</td>
<td>$111,009</td>
</tr>
<tr>
<td>Total</td>
<td>$1,209,000</td>
<td>$1,110,092</td>
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</tbody>
</table>

**RECOMMENDATION:**

The Department recommends that the Water Board make the following motion:

Ratify the annual renewal of the recommended Employment Practices Liability insurance policy in the amount of $44,064; and authorize the General Manager to bind coverage effective January 10, 2023.

Respectfully submitted,

Jennifer Shevardson
Director of Environmental & Compliance

Attachment: EPL Quote
RE: San Bernardino Municipal Water Department

Dear Joshua: January 10, 2022

Based upon the information submitted, we are pleased to provide you with the following indication. This indication is subject to our receipt, review and acceptance of the following information:

1. Currently signed and dated Zurich renewal app- due prior to binding

<table>
<thead>
<tr>
<th>Aggregate Limit of Liability: (Inclusive of Costs of Defense)</th>
<th>$3,000,000</th>
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</thead>
<tbody>
<tr>
<td><strong>Coverages:</strong></td>
<td><strong>Limit of Liability (Including Defense Costs)</strong></td>
</tr>
<tr>
<td>Employment Practices:</td>
<td>$3,000,000</td>
</tr>
</tbody>
</table>

**PREMIUM:** $44,105.00

**Terrorism Coverage (TRIA):** $0.00

**TOTAL AMOUNT DUE:** $44,105.00

*Premium does not include applicable taxes, fees, and surcharges. See Invoice for the date Premium is due and payable. Failure to pay the premium in full may result in voidance of coverage.*
Expanding Policy Number: New

Policy Form: EPLI.003 (907 Ed.) Employment Practices Insurance Policy

Policy Period: January 10, 2022 To: January 10, 2023

Commission Payable: 20%

The following endorsements will be added to the basic policy:

1. EPLI CA (1007) California Amendatory Endorsement
2. IRON.END.ALL.006 (0317) Notice of Claim (via E-mail)
3. IRON.END.ALL.016 (0317) Insurer Street Address Change
4. ADM-OFAC-0419 - Sanction Limitation and Exclusion Clause
5. EPLI.PN.003 (0120) EPL Portal Welcome Letter
6. EPLI.END.095 (1219) Biometric Data Exclusion
7. TRIA-N004-0420 Disclosure - Terrorism Risk Insurance Act
8. TRIA-E002-0315 Cap on Losses From Certified Acts of Terrorism
9. EPLI.EX.016 (1007 Ed.) Specific Investigation Claim Litigation Event or Act Exclusion - All prior claims including those on loss runs

In order to complete the underwriting process, we require that you send us the additional information requested above. We are not required to bind coverage prior to our receipt, review and underwriting approval of the above information.

Please note that if between the date of this indication and the effective date of the policy there is any material change in the condition of the proposed insured or any event or occurrence which may be deemed to be a material change in underwriting exposure by us, we may at our option withdraw or modify this indication by giving you written notice of such.

It is your agency’s/brokerage’s responsibility to conform to the Laws & Regulations of the applicable jurisdiction, including, but not limited to, payment of premium taxes, procuring of affidavits and compliance with surplus lines laws if applicable.

This Indication will remain open until January 10, 2022.

Thank you for your consideration. If you have any questions or concerns, please feel free to give me a call.

Sincerely,

John Costouros
Production Specialist
Ironshore Insurance Services LLC.
Office: +1 (312) 496-7510
Mobile: +1 (773) 503-7652
Email: John.Costouros@Ironshore.com
POLICYHOLDER DISCLOSURE – TERRORISM INSURANCE PREMIUM NOTICE

This notice contains important information about the Terrorism Risk Insurance Act and its effect on your policy. Please read it carefully.

THE TERRORISM RISK INSURANCE ACT

The Terrorism Risk Insurance Act, including all amendments (“TRIA” or the “Act”), establishes a program to spread the risk of catastrophic losses from certain acts of terrorism between insurers and the federal government. If an individual insurer’s losses from “certified acts of terrorism” exceed a specified deductible amount, the government will reimburse the insurer for a percentage of losses (the “Federal Share”) paid in excess of the deductible, but only if aggregate industry losses from such acts exceed the “Program Trigger”. An insurer that has met its insurer deductible is not liable for any portion of losses in excess of $100 billion per year. Similarly, the federal government is not liable for any losses covered by the Act that exceed this amount. If aggregate insured losses exceed $100 billion, losses up to that amount may be pro-rated, as determined by the Secretary of the Treasury.

Beginning calendar year 2020, the Federal Share is 80% and the Program Trigger is $200,000,000.

MANDATORY OFFER OF COVERAGE FOR “CERTIFIED ACTS OF TERRORISM” AND DISCLOSURE OF PREMIUM

TRIA requires insurers to make coverage available for any loss that occurs within the United States (or outside of the U.S. in the case of U.S. missions and certain air carriers and vessels), results from a “certified act of terrorism” AND that is otherwise covered under your policy.

A “certified act of terrorism” means:

[A]ny act that is certified by the Secretary [of the Treasury], in consultation with the Secretary of Homeland Security, and the Attorney General of the United States

(i) to be an act of terrorism;

(ii) to be a violent act or an act that is dangerous to—

(I) human life;

(II) property; or

(III) infrastructure;

(iii) to have resulted in damage within the United States, or outside of the United States in the case of—

(I) an air carrier (as defined in section 40102 of title 49, United States Code) or United States flag vessel (or a vessel based principally in the United States, on which United States income tax is paid and whose insurance coverage is subject to regulation in the United States); or

(II) the premises of a United States mission; and

(iv) to have been committed by an individual or individuals as part of an effort to coerce the civilian population of the United States or to influence the policy or affect the conduct of the United States Government by coercion.

MANDATORY PREMIUM DISCLOSURE STATEMENT

Your policy does not contain an exclusion for losses resulting from “certified acts of terrorism.” Coverage for such losses is still subject to, and may be limited by, all other terms, conditions and exclusions in your policy.

The premium charge for this coverage for the policy period is $0.00.
YOU NEED NOT DO ANYTHING FURTHER AT THIS TIME.

The summary of the Act and the coverage under your policy contained in this notice is necessarily general in nature. Your policy contains specific terms, definitions, exclusions and conditions. In case of any conflict, your policy language will control the resolution of all coverage questions. Please read your policy.

If you have any questions regarding this notice please contact your sales representative or agent.