

CITY OF SAN BERNARDINO MUNICIPAL WATER DEPARTMENT

AGENDA REGULAR MEETING WATER BOARD

Tuesday, August 26, 2025 – 9:30 a.m.

MARGARET H. CHANDLER WATER RECLAMATION PLANT
399 CHANDLER PLACE
San Bernardino, California

WATER BOARD

TONI CALLICOTT
President

Commissioners

WAYNE HENDRIX, P.E.
DAVID E. MLYNARSKI
RIKKE V. JOHNSON
THOMAS BRICKLEY



MIGUEL J. GUERRERO, P.E.

General Manager

ROBIN L. OHAMA

Deputy General Manager

STEVE R. MILLER

Director of Water Utility

KEVIN T. STEWART, P.E.

Director of Water Reclamation

CYNTHIA J. MOUSER

Director of Finance

JENNIFER L. SHEPARDSON

Director of Environmental &
Regulatory Compliance

“Trusted, Quality Service since 1905”

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.

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.

CALL TO ORDER

ROLL CALL

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 4C be adopted, except for _____.

MOTION: _____ SECONDED: _____

A. PAYROLL

MOTION: Approve the payroll for the pay period beginning August 11, 2025 through August 24, 2025.

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 August 12, 2025, of the Water Board.

DISCUSSION ITEMS

5. SITES RESERVOIR AND DELTA CONVEYANCE PROJECT PRESENTATION: San Bernardino Valley Chief Executive Officer/General Manager, Heather Dyer, will give a presentation to the Water Board on the Sites Reservoir and Delta Conveyance Project.
6. OGDEN PUMP STATION BOOSTER PIPE TRAIN IMPROVEMENTS – CLA-VAL: The City of San Bernardino Municipal Water Department (SBMWD) owns and operates the Ogden Pump Station (OPS). The original system configuration was designed as an inline booster network.

In January 2019, a 12-inch meter flange failure caused damage to the OPS facility and the neighboring property. In May 2023, the engineering firm LEE + RO was awarded the contract for the project and provided services that included data collection, pump station evaluation, condition assessment, and preparing a preliminary design report (PDR).

LEE + RO evaluated the OPS and specifically identified the need for booster control equipment in their design and surge modeling. The proposed system is designed around Cla-Val's proprietary booster control technology to ensure proper operation, compatibility, and pump station performance improvements. Cla-Val is the original equipment manufacturer and single source provider of this system and have offered the Department a 50% discount on the equipment, available only through purchase from the manufacturer. Department staff is also trained and experienced in servicing and maintaining Cla-Val equipment within the water production and treatment system.

Staff recommends approval of this expenditure of \$384,363.10 from existing funds in the Fiscal Year 2025/2026 Capital Budget under *Ogden Pump Station Evaluation & Site Improvements*, with available funding of approximately \$1,140,328.00.

MOTION: Approve the issuance of a Purchase Order to Cla-Val, as outlined in Purchasing Policy 51.030 on a single source basis in the amount of THREE HUNDRED EIGHTY-FOUR THOUSAND THREE HUNDRED SIXTY-THREE DOLLARS AND TEN CENTS (\$384,363.10).

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. PUBLIC COMMENT ON CLOSED SESSION ITEMS: A three-minute limitation shall apply to each member of the public who wishes to address the Water Board. No member of the public shall be permitted to “share” his or her three minutes with any other member of the public.9. CLOSED SESSION:

Pursuant to Government Code Section(s):

- A. Conference with legal counsel – anticipated litigation – pursuant to paragraph (4) of subdivision (d) of Government Code Section 54956.9: Claim #25-113.

10. ADJOURNMENT

The next regular meeting of the Water Board is scheduled for *9:30 a.m., September 9, 2025*, at The Margaret H. Chandler Water Reclamation Plant, 399 Chandler Place, San Bernardino, CA 92408.



**City of San Bernardino
Municipal Water Department**

399 Chandler Place
San Bernardino, CA 92408
<http://www.sbcitywater.org>

*President Cecilia "Toni"
Callicott*

Commissioners

*Wayne Hendrix
David Mlynarski
Rikke Johnson
Thomas Brickley*

MINUTES

FOR THE
WATER BOARD OF THE CITY OF SAN BERNARDINO

AUGUST 12, 2025

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, August 12, 2025, in-person and livestream via YouTube.

ROLL CALL

Attendee Name	Title	Status	Arrived
Cecilia "Toni" Callicott	President	Present	9:30 AM
Wayne Hendrix	Vice President	Absent	N/A
David Mlynarski	Board Member	Present	9:30 AM
Rikke Johnson	Board Member	Present	9:30 AM
Thomas Brickley	Board Member	Present	9:30 AM
Miguel Guerrero	General Manager	Present	9:30 AM

- 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 4D:**A. PAYROLL:**

	<u>Water Fund</u>	<u>Sewer Treatment</u>	<u>Total</u>
Claims:3013486- 3013608			
Accounts Payable	\$3,061,292.83	\$874,934.76	\$3,936,227.59
Gross Payroll			
06/30/25-07/13/25 & 07/14/25- 07/27/25	<u>\$1,062,784.35</u>	<u>\$956,751.71</u>	<u>\$2,019,546.06</u>
TOTALS	<u>\$4,124,077.18</u>	<u>\$1,831,696.47</u>	<u>\$5,955,773.65</u>

Payroll for the pay period beginning July 28, 2025 through August 10, 2025.

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

C. MINUTES: July 22, 2025.

D. REPORT ON WATER DEPARTMENT INVESTMENTS – QUARTER ENDING MARCH 31, 2025: The Water Board received and filed the Investment Report for the quarter ending June 30, 2025, as submitted.

RESULT:	APPROVED 4-0 BY ROLL CALL VOTE W/ 1 ABSENT
MOVER:	D. Mlynarski
SECONDER:	R. Johnson
ABSTAINED:	N/A
ABSENT:	W. Hendrix

DISCUSSION ITEMS

- 5. APPROVAL OF AGREEMENT WITH GOFORTH & MARTI, INC. FOR THE PROCUREMENT, DELIVERY, AND INSTALLATION OF FURNITURE, FIXTURES, AND EQUIPMENT FOR THE SBMWD ADMINISTRATION FACILITY PROJECT– REQUEST FOR PROPOSAL NO. 1859:** In November 2018, the Water Board approved the final design of the SBMWD Water Facilities Relocation Project. This Project consolidated and co-located numerous Water Department functions to the 397 Chandler Campus. Construction for Phase I was approaching completion with final completion anticipated in the last quarter of 2025.

Staff issued Request for Proposal (RFP) No. 1859 for the procurement, delivery, and installation of furniture, fixtures, and equipment for the new Administration Facility. The Department received three (3) responses on March 7, 2025, from the following firms: Cubicle and Office, Inc., Goforth & Marti, Inc. (GMBI), Office Solutions Business Products & Services, LLC (Bluespace).

During firm site visits, it was determined that the options provided in the proposal of Cubicle and Office, Inc., would not adequately meet the Department's needs for the facility. As such, their proposal was deemed non-responsive.

Based upon review of the proposals, staff recommended that GMBI be awarded a Goods Purchase Agreement to procure, deliver, and install the furniture, fixtures, and equipment for the Administration Facility pursuant to RFP No. 1859.

The funding source for this contract was the FY 2025/2026 Water Utility Fund Capital Improvement Project titled *SBMWD Administration Facility – Chandler Place Project* (Project Number C1410689) which currently had a total of \$352,145 in unencumbered funds and FY 2025/2026 Sewer Treatment Fund Capital Improvement Project titled *SBMWD Administration Building* (Project Number C1700196) which currently had a total of \$ 517,808 in unencumbered funds.

MOTION: Approve the Goods Purchase Agreement with Goforth & Marti, Inc. (GMBI), in an amount not to exceed SIX HUNDRED FIFTY-ONE THOUSAND EIGHT HUNDRED TWELVE AND 57/100 DOLLARS (\$651,812.57) for the procurement, delivery, and installation of furniture, fixtures, and equipment for the Administration Facility Project in accordance with Request for Proposal No. 1859. The General Manager was authorized to negotiate and execute the Agreement.

RESULT: APPROVED 4-0 BY ROLL CALL VOTE W/ 1 ABSENT
MOVER: T. Brickley
SECONDER: R. Johnson
ABSTAINED: N/A
ABSENT: W. Hendrix

6. **CONTRACT NO. 1835 – PROFESSIONAL METERS INC. – CHANGE ORDER NO. 1 – ADVANCED METER INFRASTRUCTURE (AMI) IMPLEMENTATION PROGRAM PHASE I PROJECT (PROJECT NO. C2211020):** On June 24, 2024, the Water Board entered into Contract No. 1835 with Professional Meters Inc. for the Advanced Meter Infrastructure Implementation Program Phase I.

The delivery of the 500Wc transmitters was delayed due to the time needed to finalize Itron's scope of work and complete the required training and workshops. As a result, the Contractor was unable to begin installation until May 7, 2025. To maintain critical project milestones required under the California Division of Drinking Water (DDW) grant, the Contractor was authorized to perform preparatory hydrovac work on all meter boxes and vaults.

Change Order No. 1 in the amount of \$371,498.89 was prepared for this extra work to be performed by Professional Meters Inc. under Contract No. 1835.

The funding source for this contract was in the Water Utility Fund Capital Improvement Project titled *Advanced Metering Infrastructure (AMI) Project - Phase 1* (Project No. C2211020) which currently had a total of \$2,612,323.57 in unencumbered funds.

Director Miller stated this staff has been preparing for this project for five (5) years and Phase I covered approximately 13,000 meters in the City.

Commissioner Mlynarski asked if the process and the grant funding was only for Phase I and if staff felt that Phase I would be executed with this change order.

Director Miller stated that the grant funding was only for Phase I of the project and that staff did not foresee that there would be any additional issues.

Commissioner Mlynarski asked if the Department would continue to pursue grant funding for this project or would this be incorporated into future budgets.

General Manager Guerrero stated that grant funding would be the main resource for this project.

General Manager Guerrero stated that all of the different components to this project would cost close to \$10 million overall.

MOTION: Approve Change Order No. 1 to Contract No. 1835 with Professional Meters Inc., in the amount of THREE HUNDRED SEVENTY-ONE FOUR HUNDRED NINETY-EIGHT AND 98/100 DOLLARS (\$371,498.89). The General Manager was authorized to execute the change order.

RESULT:	APPROVED 4-0 BY ROLL CALL VOTE W/ 1 ABSENT
MOVER:	R. Johnson
SECONDER:	D. Mlynarski
ABSTAINED:	N/A
ABSENT:	W. Hendrix

7. AMENDMENT NO. 1 TO CONTRACT NO. 1841 –CONTRACT TO FURNISH GRANULAR ACTIVATED CARBON – CARBON ACTIVATED CORPORATION:

The Water Board entered a two-year contract, Contract No. 1841, with Carbon Activated Corporation (CAC), to furnish and deliver, remove, and dispose of spent carbon and install virgin granular activated carbon on July 9, 2024. This contract had a provision for three (3) one (1) year options to extend.

CAC requested to amend the contract due to significant and ongoing impacts from international trade policy changes and global supply chain disruptions. Since the original bid, tariffs on coconut shell-based activated carbon rose from 4.8% to 14.8%, with potential increases up to 58.8%.

Additionally, there was a global shortage of high-grade coconut shell feedstock, driven by weather events and supply chain instability in key producing regions. As a result of the substantial cost increases across the supply chain, a unit price increase from \$1.13 to \$1.61 was requested.

Accepting CAC's proposed amendment would allow the Department to continue operating in compliance with the regulations while maintaining the ability to decline any extension should costs unexpectedly decline.

The funding source for this project was the FY 2025/2026 Operations and Maintenance Budget; there were sufficient funds to cover the contract for the rest of this fiscal year. Carbon change outs were 100 percent reimbursable through the AIG commutation account.

MOTION: Approve Amendment No. 1 to Contract No. 1841 with Carbon Activated Corporation. The General Manager was authorized to execute the Amendment.

RESULT:	APPROVED 4-0 BY ROLL CALL VOTE W/ 1 ABSENT
MOVER:	T. Brickley
SECONDER:	D. Mlynarski
ABSTAINED:	N/A
ABSENT:	W. Hendrix

8. **AWARD OF CONTRACT – SHANDIN HILLS BOOSTER STATION PLANT SITE IMPROVEMENTS PROJECT SPECIFICATION NO. 1868:** The Shandin Hills Booster Pump Station Plant Site experienced recurring issues with localized stormwater flooding during high-intensity rain events. These storm events resulted in stormwater runoff and mudflows extending beyond the project site and impacting adjacent properties. To mitigate these flood risks, critical site improvements within the area known as Circle Road Park were necessary.

Specifications were advertised on June 6, 2025, for Specification No. 1868, to “Furnish all labor, equipment, and materials for the Shandin Hills Booster Station Plant Site Improvements Project, located in San Bernardino, California” and eight (8) bids were received and opened on July 16, 2025.

The funding source for this project was the FY 2025/2026 Water Fund Capital Improvement Project titled *Shandin Hills Booster Station Site* (Project No. C2411135) which currently had a total of \$176,100.00 in unencumbered funds.

MOTION: Accept the bid of Matcon General Engineering, Inc., as the lowest responsive, responsible bidder and award a contract in the amount of ONE HUNDRED ONE THOUSAND FORTY-SIX AND 93/100 DOLLARS (\$101,046.93) for the SHANDIN HILLS BOOSTER STATION PLANT SITE IMPROVEMENTS PROJECT, retain the bid securities in accordance with Specification No. 1868. The General Manager was authorized to execute the contract and sign and verify a Notice of Completion.

RESULT: APPROVED 4-0 BY ROLL CALL VOTE W/ 1 ABSENT
MOVER: D. Mlynarski
SECONDER: R. Johnson
ABSTAINED: N/A
ABSENT: W. Hendrix

9. **AMENDMENT NO. 2 TO CONTRACT NO. 1669 – BIENNIAL CONTRACT FOR BULK LIQUID FERRIC CHLORIDE – KEMIRA WATER SOLUTIONS, INC.:** The Water Board entered a two-year contract, Contract No. 1669, with Kemira Water Solutions, Inc. (Kemira), to furnish and deliver bulk liquid ferric chloride to the WRP. This contract had a provision for two (2) additional two (2) year extensions. Extension No. 1 was approved by the Water Board on July 23, 2019, and expired on July 31, 2021. Extension No. 2 was approved by the Water Board on September 14, 2021, and expired on July 31, 2023.

Amendment No. 1 to Contract No. 1669 extended the contract for one (1) year, from August 1, 2023, to August 1, 2024, with a price increase from \$675.00 to \$1,248.00 per dry ton.

In recognition of the Department's agreement with the request, the Amendment also provided an additional one (1) year extension at the Department's discretion, with a variable cost increased capped at \$1,435.20, which was a maximum of 15% increase from the agreed-upon rate.

Amendment No. 2 extended the current contract for one (1) year, from August 1, 2025, to August 1, 2026, with pricing maintained at \$1,357.00 per dry ton. If exercised, Extension No. 1 (August 1, 2026 – July 31, 2027) included a variable cost increase capped at 10% or \$1,492.70 per dry ton. Extension No. 2 (August 1, 2027 – July 31, 2028) included a variable cost increase capped at 15% or \$1,716.60 per dry ton.

The funding source for this contract was the FY 2025/2026 Sewer Operations and Maintenance Budget.

MOTION: Approve Amendment No. 2 to Contract No. 1669 with Kemira Water Solutions, Inc. The General Manager was authorized to execute the Amendment.

RESULT: APPROVED 4-0 BY ROLL CALL VOTE W/ 1 ABSENT
MOVER: T. Brickley
SECONDER: D. Mlynarski
ABSTAINED: N/A
ABSENT: W. Hendrix

10. **GRANT OF EASEMENT TO SOUTHERN CALIFORNIA EDISON FOR CHARGE READY PROGRAM ELECTRIC VEHICLE INFRASTRUCTURE INSTALLATION AT THE WATER RECLAMATION PLANT, APNS 0141-291-06, 0141-291-22, and 0141-291-23:** The Department applied for and was accepted into the Southern California Edison (SCE) Charge Ready Program, which supported the deployment of electric vehicle (EV) charging infrastructure by covering some of the costs of installation and associated equipment.

SCE required an easement to place electrical infrastructure on Department-owned property and provided the Department with an easement document for execution. There was no fiscal impact associated with this approval of this easement.

MOTION: Approve a Grant of Easement to SCE for Charge Ready Program Electric Vehicle Infrastructure Installation at the Water Reclamation Plant (APNS 0141-29-06, 0141-291-22 and 0141-291-23) as described in the easement documents. Staff was authorized to submit the easement documents to the General Manager and County for recordation.

RESULT:	APPROVED 4-0 BY ROLL CALL VOTE W/ 1 ABSENT
MOVER:	D. Mlynarski
SECONDER:	T. Brickley
ABSTAINED:	N/A
ABSENT:	W. Hendrix

11. **RS-1 RETURN ACTIVATED SLUDGE (RAS) PUMPS REPLACEMENT – XYLEM WATER SOLUTIONS:** In 1986, a Water Reclamation Plant (WRP) expansion known as the RS-1 Pumping Station was constructed. This section of the plant was responsible for processing the Return Activated Sludge (RAS) as part of the Unit 1 primary and secondary processes. As a part of this treatment process, three (3) RAS pumps were utilized.

The pumps were now 38 years old and due to their age, coupled with the continuous need for repairs, staff recommended the pumps be replaced with new equipment. Flygt AC was the only manufacturer that produced a direct replacement for this application, and Xylem Water Solutions, USA, was the sole provider for Flygt AC in our region.

Staff recommended replacing the three (3) existing Allis-Chalmers pumps on a single-source basis with direct replacement Flygt AC Pumps from Xylem Water Solutions, USA.

The funding source for this project was the FY 2025/2026 Sewer Fund Capital Project titled *Annual R/R- WRP Mechanical* (C.O. M2600345), with an approved budget of \$707,000. There were sufficient funds remaining for this project.

MOTION: Approve the issuance of a Purchase Order to Xylem Water Solutions, USA as outlined in Purchasing Policy 51.030 on a single source basis in the amount of ONE HUNDRED TWENTY THOUSAND, SIX HUNDRED SIXTY-FOUR AND 89/100 DOLLARS (\$126,664.89).

RESULT: APPROVED 4-0 BY ROLL CALL VOTE W/ 1 ABSENT
MOVER: T. Brickley
SECONDER: R. Johnson
ABSTAINED: N/A
ABSENT: W. Hendrix

12. REPORTS:

A. Report of the President – None.

B. Report of the Commissioners – Commissioner Mlynarski stated that he attended the Southern California Water Conference in Ontario, CA. on Friday, August 8, 2025, with Department staff.

Commissioner Mlynarski stated that the topic of hellihydrants was discussed and would like the Department to research the potential of these hellihydrants in the foothill area.

General Manager Guerrero stated that the Department may look at the benefits of hellihydrants in the foothill area in the future.

C. Report of the Directors –

1. Director Stewart stated that the City's Animal Shelter requested to lease space within the WRP to use as a temporary parking area due to a kennel expansion project.

Director Stewart stated that construction began approximately one (1) month ago and a lease agreement between the Department and the City would be presented to the Water Board at a future meeting.

2. Director Miller stated that storm drain construction was being conducted for the new facility in the north parking area.
3. Deputy General Manager Ohama stated that the Department was conducting a brief customer survey in partnership with the California Department of Water Resources to better understand residential water use.

Deputy General Manager Ohama stated that information collected from this survey would be used to better understand impacts from Senate Bill 1157, and that the survey was emailed to customers and was also on the Department website.

4. Deputy General Manager Ohama stated that Department staff and several water retailers in the San Bernardino Valley and IEUA regions would be co-hosting an informational workshop for HOA property managers and maintenance staff.

Deputy General Manager Ohama stated that the free workshop would be held at the Jessie Turner Community Center in Fontana, Ca., on August 28, 2025, from 10:00 a.m. – 12:00 p.m.

5. Deputy General Manager Ohama stated that Water Conservation staff attended National Night Out at Lytle Creek Park on August 5, 2025, and would be attending the Mt. Vernon Bridge Re-Opening on Saturday, August 23, 2025.

D. Report of the General Manager –

1. General Manager Guerrero stated that Strategic Plan pamphlets were distributed to the Water Board, as well as City officials and that Water Conservation staff was working on a Strategic Plan brochures to circulate at various community events.

General Manager Guerrero stated that management received good feedback from employees and that Strategic Plan posters would be produced in the future to be posted in all sections of the Department.

2. General Manager Guerrero stated that Nichole Morgan from the State Water Board would be touring the septic to sewer project at Arrowhead Farms with Supervisor Baca on Thursday, August 14, 2025.

General Manager Guerrero stated that he and Devin Arciniega would be attending the tour.

13. ADJOURNMENT

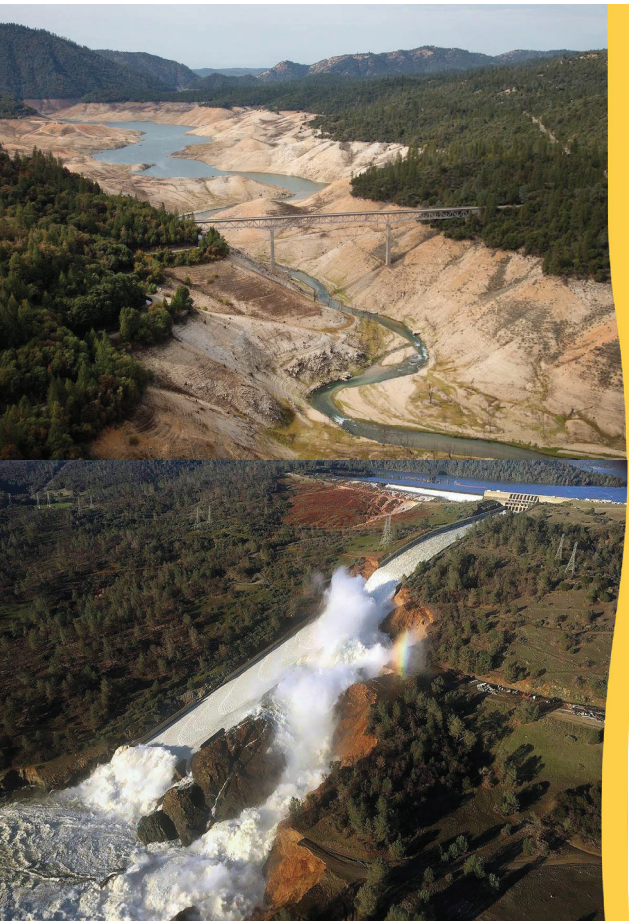
The next regular meeting of the Water Board was scheduled for *9:30 a.m., August 26, 2025*, at The Margaret H. Chandler Water Reclamation Plant, 399 Chandler Place, San Bernardino, CA 92408.

By: _____
Miguel J. Guerrero
General Manager

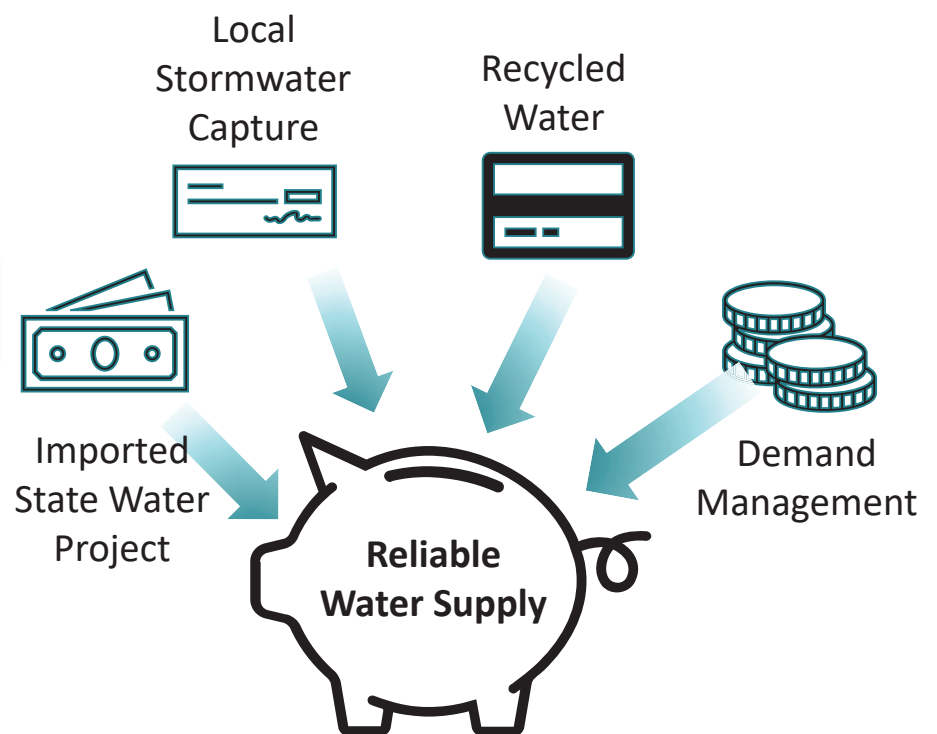
INVESTING IN REGIONAL WATER RESILIENCE: SITES RESERVOIR AND DELTA CONVEYANCE PROJECT



Heather Dyer, MS, MBA
CEO/ General Manager, San Bernardino Valley



Diversity = Resilience

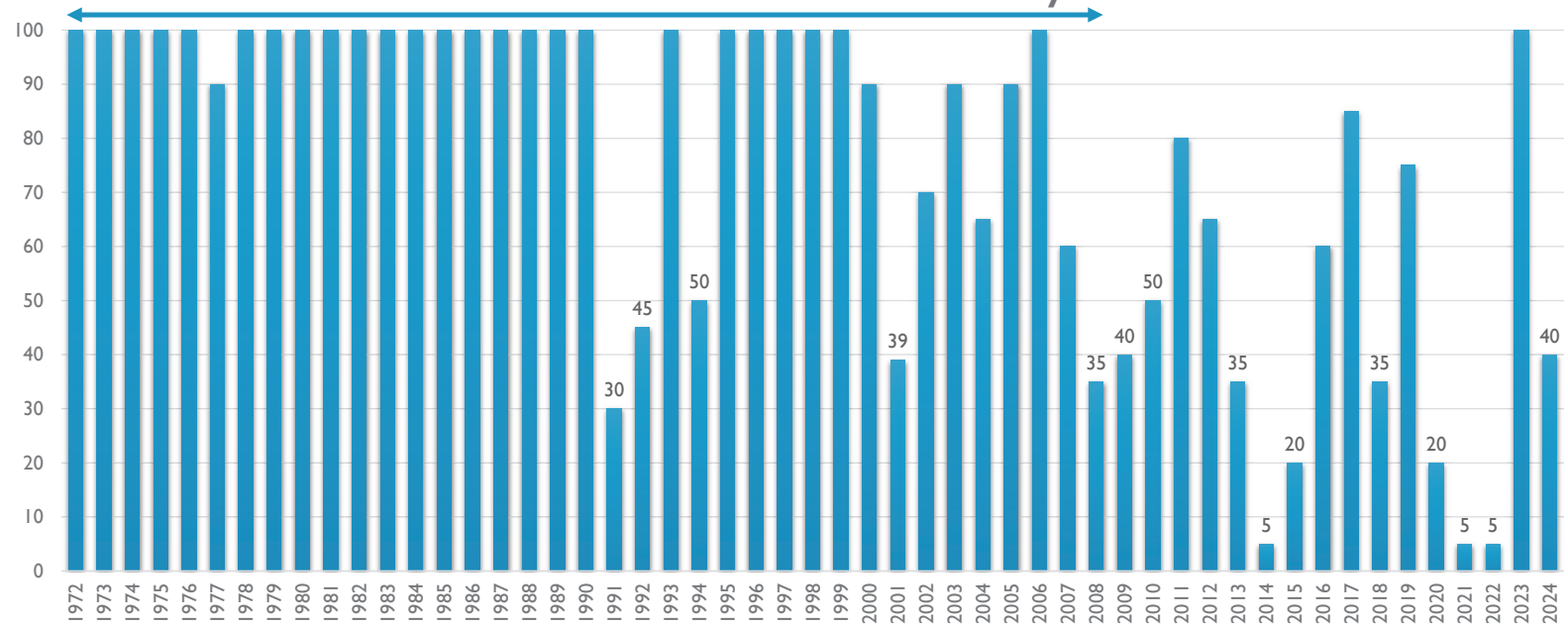




Imported Water - State Water Project



Final SWP Table A Allocation History in %

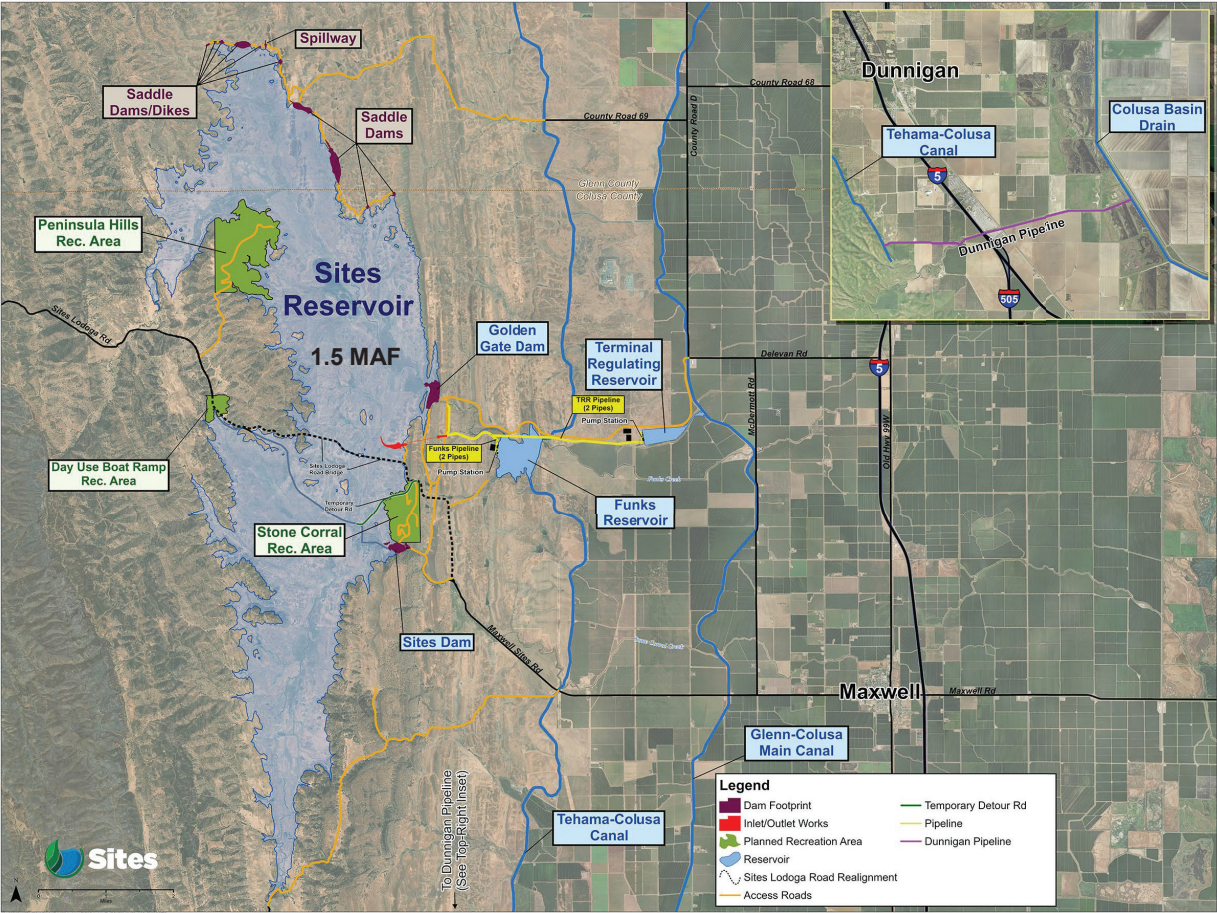




Scarcity

Abundance

Sites Reservoir



San Bernardino Valley Investment in the Sites Valley



133,408

Acre Feet of Storage

\$750 million

San Bernardino Valley
Investment

Benefits of Sites Reservoir



Off-stream Storage

Does not create a barrier to native fish migration



Federal and State Agencies Manage Environmental Water

Adaptable to current and future conditions and priorities



Local Leadership and Cooperation

Aligns with Sacramento Valley's values and fosters regional and statewide collaboration



Recreational Opportunities

Provides northern Sacramento Valley with additional opportunities for recreation



Cooperative Operation

Increases effectiveness and efficiency of existing water storage infrastructure



Adaptable to Climate Change

Contributes to system reliability and performance with climate change



Dry Year Water Supply

Reliable dry year water supply for California communities, farms, and businesses



Environmental Support

Provides environmental water in drier periods for native fish, and habitat for native species and birds

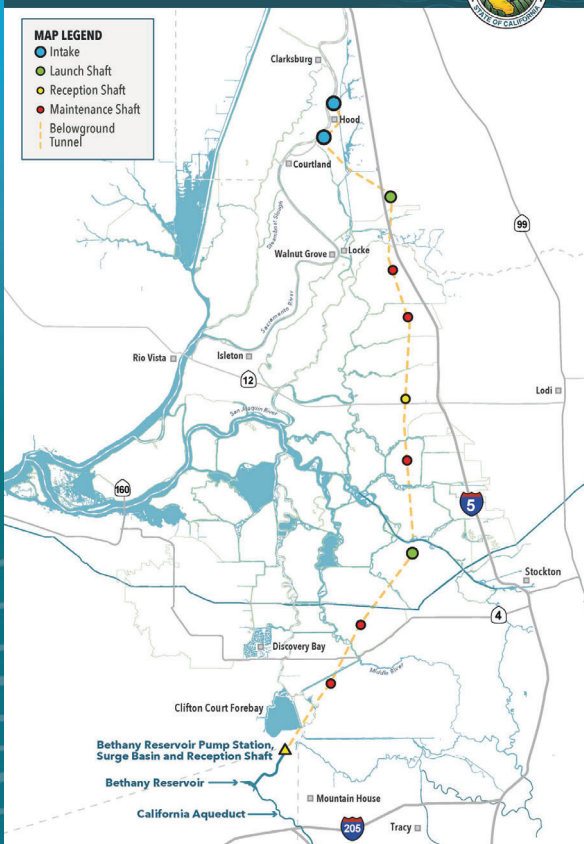
Delta Conveyance Project

Modernizing California's Water Infrastructure | 2024



MAP LEGEND

- Intake
- Launch Shaft
- Reception Shaft
- Maintenance Shaft
- Belowground Tunnel



What is Delta Conveyance?

New Infrastructure (Peripheral Channel)

- New north intake, flow-thru the Delta
- 6,000 cfs
- Connects directly to CA Aqueduct downstream of existing pumps/intake

By the Numbers

- A single tunnel ~45 miles
 - 36' diameter (inside)
 - ~100-150' depth
 - \$20 B (3% SBV share, ~\$560M)
- Estimated completion: 2045

Delta Conveyance Project

Modernizing California's Water Infrastructure | 2025



MISSED OPPORTUNITY

If the Delta Conveyance Project was operational over the past four winters, a significant amount of water could have been captured and moved.

	Amount of water that could have been captured:*	That's enough water to supply:	
			
Water Year 2022	110,000 acre-feet	Over 1.1 MILLION people for one year	Over 385,000 households for one year
Water Year 2023	186,000 acre-feet	Nearly 2 MILLION people for one year	Over 650,000 households for one year
Water Year 2024	815,000 acre-feet	Over 8.5 MILLION people for one year	Over 2.8 MILLION households for one year
Water Year 2025 (Oct 1, 2024 – June 5, 2025)	956,000 acre-feet	Over 10 MILLION people for one year	Over 3.3 MILLION households for one year

*Estimates have been updated to reflect the Incidental Take Permit

water.ca.gov/deltaconveyance | deltaconveyanceproject.com | dcdca.org

Investing in Infrastructure



- Ad valorem pays for SWP elements:
 - Lake Oroville
 - Lake Silverwood
 - Canal and pipelines
 - Subsidizes imported water delivery charge
- Average annual cost on property tax ~\$309 per/year ad valorem
- Water delivery charge to retail agencies
 - \$118/ acre foot (recharge)
 - \$126/ acre foot (direct delivery)
- Deliver supplemental water, when it is available

State Water Project Capital Expenditure Forecast

State Water Project - Capital Forecast	Total Cost
California Aqueduct Subsidence Program (CASP)	\$2,857,000,000
Yolo Bypass "Big-Notch" Project	\$190,000,000
Lookout Slough Tidal Restoration Project	\$114,000,000
Fire and Life Safety Modernization Project	\$120,000,000
Top Dam Safety Projects	\$169,000,000
Other Major Capital Projects	\$1,060,000,000
ITP Implementation and Regulatory Support	\$1,219,000,000
Total Estimated Capital Need for the next 12 years (in 2024 dollars)	\$5,729,000,000
* Source: DWR's State Water Project Budget Report (Final) CY 2025 and 2026, dated February 19, 2025	

SBVMWD's share of the SWP system is 2.5%
or an estimated \$150,000,000 in Capital Costs

Restricted Reserve Fund Overview

FY 25/26

	RESERVE POLICY GUIDELINES	CURRENT BALANCE	ANTICIPATED COSTS
1 Year SWP Cost in Reserves	Statement of Charges (Based on Previous Year's Invoice)	\$73 Million	\$73 Million
Project Specific Savings	Expenses and Obligations Related to SBV's Share of SWP Specific Projects e.g. \$150 Million, CIP \$750 Million, Sites \$563 Million, DCP	\$545 Million	\$1.2 Billion
Emergency Repairs or Replacement	Catastrophic Emergency Repairs of SWP Pipelines, Pump Stations, and Reservoirs e.g. \$25 Million SBV portion for Oroville Dam repairs in 2017	\$30 Million	\$30 Million

Total Balance:
\$648 Million

Projected Costs:
\$1.3 Billion

Pay-Go Financing Strategy

4057

RESOLUTION NO. 1060

RESOLUTION OF THE BOARD OF DIRECTORS OF THE SAN BERNARDINO VALLEY MUNICIPAL WATER DISTRICT SUPPORTING THE CALIFORNIA WATERFIX

WHEREAS, the California WaterFix is a critical component of the California Water Action Plan, the State of California's blueprint for a "sustainable and resilient future"; and

WHEREAS, the California WaterFix is a unit of the "project" as defined by the CVP Act (California Water Code §§ 11100 et seq.) and a project such as California WaterFix has always been contemplated as part of the project; and

WHEREAS, the California WaterFix is critical to protecting and restoring the San Bernardino Valley Municipal Water District's water supply reliability by upgrading aging infrastructure thereby reducing the SWP's vulnerability to seismic events in the Sacramento San Joaquin Delta and climate change impacts; and

WHEREAS, the California Department of Water Resources proposes to construct the California WaterFix, which consists of three new intakes on the east bank of the Sacramento River in the northern Sacramento San Joaquin Delta, tunnels connecting these intakes to a new, 30-acre intermediate forebay, and two 30-mile long tunnels carrying water from this forebay to a new pumping plant connected to an expanded and modified Clifton Court Forebay; and

WHEREAS, on July 21, 2017, the Department of Water Resources certified the final environmental analysis for the California WaterFix and signed the Notice of Determination thereby approving California WaterFix as the proposed project under the California Environmental Quality Act; and

WHEREAS, the dissolution of redevelopment agencies throughout the service area of the San Bernardino Valley Municipal Water District and the passage of SB 107 in 2015 have resulted in ongoing additional property tax revenues that make it possible for the District to cash finance the California Water Fix saving hundreds of millions of dollars in interest charges.

NOW THEREFORE BE IT RESOLVED that the Board of Directors of San Bernardino Valley Municipal Water District does hereby find and determine as follows:

- In 2017, the Board passed Resolution 1060 recognizing the California WaterFix Project, now known as Delta Conveyance Project, as "critical to protecting and restoring the SBVMWD water supply reliability" and "reducing the SWP's vulnerability to seismic events and climate change impacts."
- Resolution 1060 states that the dissolution of redevelopment agencies throughout the service area and passage of SB 107 make it possible for the District to cash finance Cal. WaterFix, saving hundreds of millions of dollars in interest charges.
- On Sept 18, 2017, the Advisory Commission on Water Policy unanimously supported San Bernardino Valley's participation in the project, including pay-go cash financing.

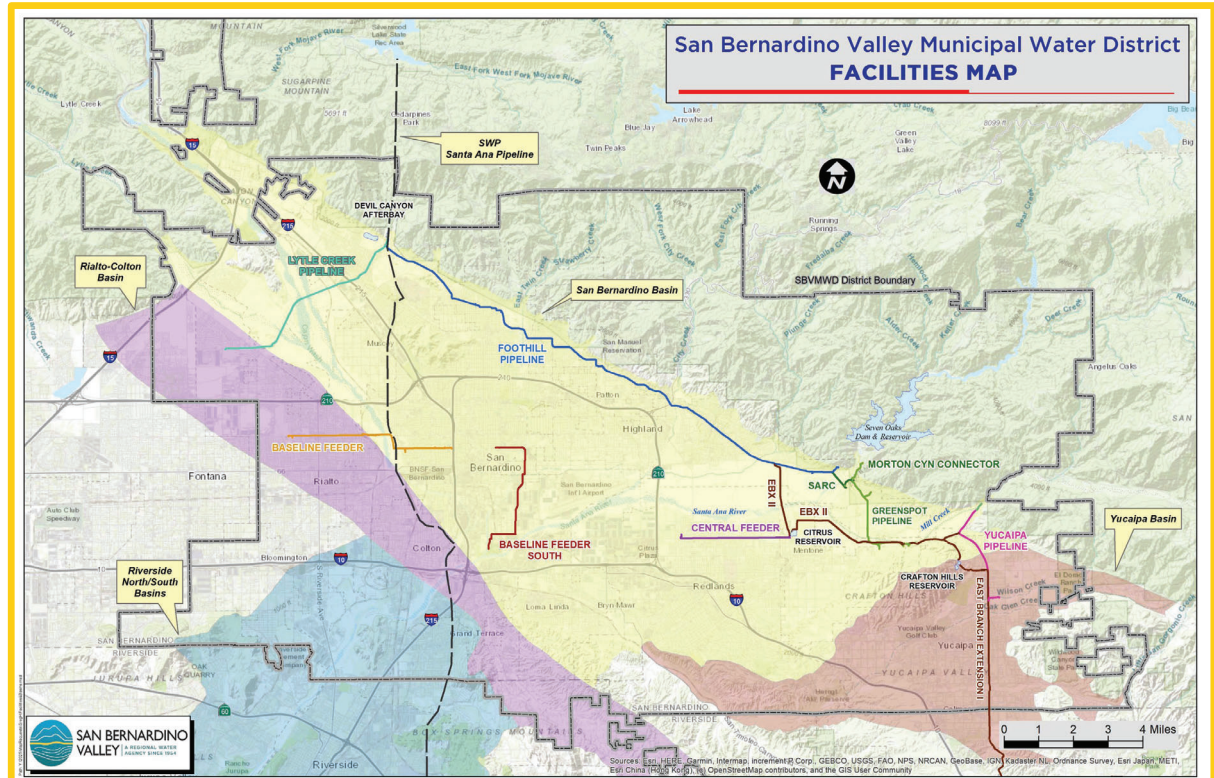


Local Water Facilities

Sources

- Groundwater
- Imported Water
- Surface Water
- Recycled Water
- Conservation

Groundwater Basins within SBVMWD



State Water Project Recharge





A REGIONAL WATER AGENCY
SINCE 1954



HeatherD@sbvmwd.com



SBVMWD.com



[Facebook.com/SBVMWD](https://www.facebook.com/SBVMWD)



[SBVMWD](https://www.linkedin.com/company/sbvmwd)

CITY OF SAN BERNARDINO
MUNICIPAL WATER DEPARTMENT
WATER BOARD
STAFF REPORT

TO: Miguel J. Guerrero, P.E., General Manager 
FROM: Steve R. Miller, Director of Water Utility
SUBJECT: **OGDEN PUMP STATION BOOSTER PIPE TRAIN IMPROVEMENTS – CLA-VAL**
DATE: August 18, 2025
COPIES: Cynthia Mouser (w/o attach), Daniel Marquez (w/attach), Jesica Calva (w/attach)

BACKGROUND:

The City of San Bernardino Municipal Water Department (SBMWD) owns and operates the Ogden Pump Station (OPS). The original system configuration was designed as an inline booster network. Ogden Reservoir is located in the Upper 1416' pressure zone. At the OPS, vertical turbine pumps boost the pressure to the College/Palm 1720' pressure zone. This overall static lift from Ogden equals approximately 300' of nominal head (or 130 psi).

In January 2019, a 12-inch meter flange failure caused damage to the OPS facility and the neighboring property. The flange failure resulted in a high-pressure water discharge that released approximately 163,200 gallons of water to the interior and exterior of the building. In May 2023, the engineering firm LEE + RO was awarded the contract for the project and provided services that included data collection, pump station evaluation, condition assessment, and preparing a preliminary design report (PDR). LEE + RO will provide design documents so that the Department's in-house staff can replace and/or repair the damaged equipment and commission the pump station to bring it back into service.

The engineering firm LEE + RO evaluated the OPS and specifically identified the need for booster control equipment in their design and surge modeling. The proposed system is designed around Cla-Val's proprietary booster control technology to ensure proper operation, compatibility, and pump station performance improvements. Cla-Val is the original equipment manufacturer and single source provider of this system and have offered the Department a 50% discount on the equipment, available only through purchase from the manufacturer. Cla-Val does not compete against other quotes from authorized distributors which in turn are also customers.

Procuring directly from Cla-Val ensures the Department's improvements are consistent with the engineered design, meet manufacturer specifications, and include full technical support and warranty coverage. Department staff is already trained and experienced in servicing and maintaining Cla-Val equipment within the water production and treatment system. For these reasons, Cla-Val is the only viable source for this procurement.

Miguel J. Guerrero, General Manager

Page 2

August 18, 2025

**SUBJECT: OGDEN PUMP STATION BOOSTER PIPE TRAIN IMPROVEMENTS –
CLA-VAL**

GOALS AND OBJECTIVES:

This project aligns with the Department's Strategic Plan under Goal No. 2: Modernize and Secure Critical Infrastructure, Subgoal No. 3: Deliver Priority Capital Projects. This supports the specific action by replacing aging assets with modern, manufacturer-specified equipment that improves reliability, reduces long-term maintenance costs, and increases operational efficiency.

FISCAL IMPACT:

Staff recommends approval of this expenditure of \$384,363.10 from existing funds in the Fiscal Year 2025/2026 Capital Budget under *Ogden Pump Station Evaluation & Site Improvements*, with available funding of approximately \$1,140,328.00.

RECOMMENDATION:

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

- **Approve the issuance of a Purchase Order to Cla-Val, as outlined in Purchasing Policy 51.030 on a single source basis in the amount of THREE HUNDRED EIGHTY-FOUR THOUSAND THREE HUNDRED SIXTY-THREE DOLLARS AND TEN CENTS (\$384,363.10).**

Respectfully submitted,



Steve Miller (Aug 18, 2025 15:45:37 PDT)

Steve R. Miller

Director of Water Utility

SRM: ms

Attachment: Cla Val quote and supporting documents



1701 Placentia Ave
Costa Mesa, CA 92627
Ph: 949-722-4800
www.cla-val.com

Quotation

Please Reference Quote Number on PO

Quote For

CITY OF SAN BERNARDINO
CITY OF SAN BERNARDINO

Prepared By

Tina Christie
Area Sales Manager
tchristie@cla-val.com
949-205-5265

Reference

CITY OF SB OGDEN PIPE TRAIN

Quote Number

Y25Q11011

Quote Date (mm/dd/yyyy) 05/09/2025

Lead Time (ex factory) 6-8 WEEKS

FOB Factory

Freight Full Freight Allowed
Currency

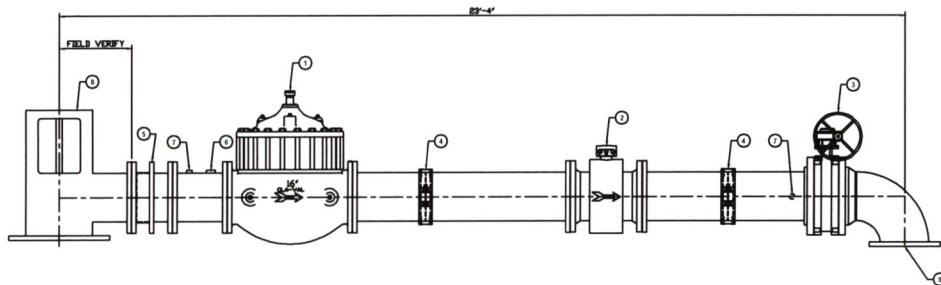
LN	Qty	Size	Model	Suffix Opt.	Description	KX Options (if applicable)	Unit Price	Ext. Price	N/L
0001	1.00				16" PUMP CONTROL PIPE TRAIN:		\$243,863.10	\$243,863.10	
0002	3.00	16"	60-08	BPYKCX	(3) * Ductile Iron, Globe Pattern Style Body * ANSI 150 Flanged Ends * NSF61 Fusion Bonded Epoxy Lined & Coated * SST Trim and SST Fasteners * Complete SST Pilot System * SST Rigid Tubing and SST Fittings * 120VAC Solenoid(s) * Includes Following Options * B - CK2 SST Ball Valves * P - Pressure Gauge(s) * Y - X43 Y Pattern SST Strainer * KC - Epoxy Coating * KX - See KX Options			Net	
0003	3.00	16"			(3) 16" Assembly: One (1) 16" Romac dismantling joint Two (2) 16" W07 Victaulic couplings One (1) 16" Endress Hauser Promag W400 magnetic flow meter One (1) 16" Dezurik BAW butterfly valve 16" fabricated steel pipe with fusion bonded epoxy interior & exterior			Net	
0004	2.00	18"			18" ASSEMBLY: Two (2) 18" W07 Victaulic couplings One (1) 18" Endress Hauser Promag W400 magnetic flow meter One (1) 18" Dezurik BAW butterfly valve 18" fabricated steel pipe with fusion bonded epoxy interior & exterior		\$60,000.00	\$120,000.00	Net
0005	1.00				***SIGNED DRAWING REQUIRED TO MOVE INTO PRODUCTION***		\$20,500.00	\$20,500.00	Net

Grand Total \$384,363.10

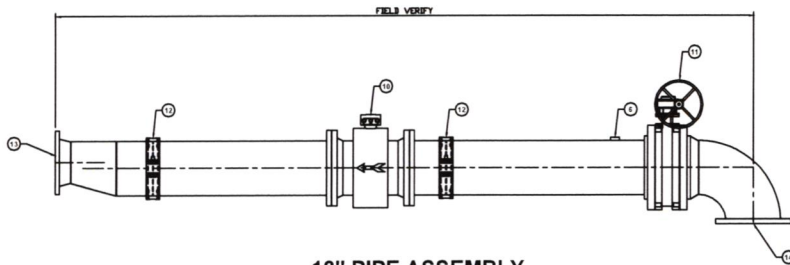
Quote is valid for 30 days from date of issue. Item lead times are subject to prior sale. Taxes are extra.

Any deviations from the specifications provided upon time of quote may result in pricing or lead time change. Please confirm all specifications, P&ID requirements, and addendums before ordering.

Printed on 06/12/25



16" PIPE ASSEMBLY



18" PIPE ASSEMBLY

BILL OF MATERIALS		
ITEM	QTY	DESCRIPTION
1	3	16" CLA-VAL MODEL 600-08 PUMP CONTROL VALVE
2	3	16" ENDRESS HAUSER PROMAG W400 MAGNETIC FLOW METER
3	3	16" DEZURIK MODEL BAW BUTTERFLY VALVE WITH GEAR OPERATOR AND 260# FLANGE CONNECTIONS
4	6	16" VICTAULIC STYLE W07 GROOVED COUPLING
5	3	16" ROMAC MODEL DJ400 DISMANTLING JOINT
6	4	2" HALF COUPLING
7	6	1" HALF COUPLING
8	3	EXISTING VERTICAL TURBINE PUMP
9	3	16" 150# FLANGE CONNECTION
10	2	16" ENDRESS HAUSER PROMAG W400 MAGNETIC FLOW METER
11	2	16" DEZURIK MODEL BAW BUTTERFLY VALVE WITH GEAR OPERATOR AND 260# FLANGE CONNECTIONS
12	4	18" VICTAULIC STYLE W07 GROOVED COUPLING
13	2	14" 150# FLANGE CONNECTION
14	2	16" 150# FLANGE CONNECTION
15	2	16" & 18" Steel Pipe with fusion bonded epoxy interior and exterior

ESI FAB SYSTEMS
 15410 S MAHAFFIE ST
 OLATHE, KS 66062
 PH: 816-468-9119 - www.esiwater.com

EPS08102 - REV: 0

PROJECT: CITY OF SAN BERNARDINO
 OGDEN BOOSTER PUMP STATION

Proline Promag W 400 electromagnetic flowmeter

Versatile standard flowmeter for the water
and wastewater industry



Benefits:

- Reliable measurement at constant accuracy with 0 x DN inlet run and no pressure loss
- Flexible engineering – sensor with fixed or lap-joint process connections
- Application fitness – EN ISO 12944 corrosion protection for underground or underwater installation
- Improved plant availability – sensor compliant with industry-specific requirements
- Safe operation – no need to open the device
- Time-saving local operation without additional software and hardware – integrated web server
- Integrated verification and build-up detection – Heartbeat Technology

More information and current pricing:

www.us.endress.com/5W4C

Specs at a glance

- **Max. measurement error** Volume flow (standard): $\pm 0.5\%$ o.r. ± 1 mm/s (0.04 in/s) Volume flow (option): $\pm 0.2\%$ o.r. ± 2 mm/s (0.08 in/s), Flat Spec
- **Measuring range** 0.5 m³/h to 263000 m³/h (2.5gal/min to 1665 Mgal/d)
- **Medium temperature range** Liner material hard rubber: 0 to +80 °C (+32 to +176 °F) Liner material polyurethane: -20 to +50 °C (-4 to +122 °F) Liner material PTFE: -20 to +90 °C (-4 to +194 °F)
- **Max. process pressure** PN 40, Class 300, 20K
- **Wetted materials** Liner material hard rubber: 0 to +80 °C (+32 to +176 °F) Liner material polyurethane: -20 to +50 °C (-4 to +122 °F) Liner material PTFE: -20 to +90 °C (-4 to +194 °F) Electrodes: 1.4435 (316L); Alloy C22, 2.4602 (UNS N06022); Tantalum

Field of application: With its international approvals for custody transfer as well as drinking water, Promag W serves the broadest variety of applications. It is available as both compact or remote version. Promag W 400 saves time and costs thanks to the broad functionality of its transmitter optimized for Water & Wastewater. In addition, Heartbeat Technology enables measurement reliability and compliant verification.

Features and specifications

Liquids

Measuring principle

Electromagnetic

Product headline

Versatile standard flowmeter for the water and wastewater industry. Reliable measurement at constant accuracy with 0 x DN inlet run and no pressure loss.

Ideal for water measurement, e.g. drinking water, utility water and industrial/municipal wastewater.

Sensor features

Flexible engineering – sensor with fixed or lap-joint process connections. Application fitness – EN ISO 12944 corrosion protection for underground or underwater installation. Improved plant availability – sensor compliant with industry-specific requirements.

International drinking water approvals. Degree of protection IP68 (Type 6P enclosure). Approved for custody transfer to MI-001/OIML R49.

Transmitter features

Safe operation – no need to open the device due to display with touch control, background lighting. Time-saving local operation without additional software and hardware – integrated web server. Integrated verification – Heartbeat Technology.

Transmitter housing made of durable polycarbonate or aluminium. WLAN access. Integrated data logger: measured values monitoring.

Nominal diameter range

DN 25 to 3000(1 to 120")

Liquids

Wetted materials

Liner material hard rubber: 0 to +80 °C (+32 to +176 °F)

Liner material polyurethane: -20 to +50 °C (-4 to +122 °F)

Liner material PTFE: -20 to +90 °C (-4 to +194 °F)

Electrodes: 1.4435 (316L); Alloy C22, 2.4602 (UNS N06022); Tantalum

Measured variables

Volume flow, conductivity, mass flow

Max. measurement error

Volume flow (standard): ± 0.5 % o.r. ± 1 mm/s (0.04 in/s)

Volume flow (option): ± 0.2 % o.r. ± 2 mm/s (0.08 in/s), Flat Spec

Measuring range

0.5 m³/h to 263000 m³/h (2.5gal/min to 1665 Mgal/d)

Max. process pressure

PN 40, Class 300, 20K

Medium temperature range

Liner material hard rubber: 0 to +80 °C (+32 to +176 °F)

Liner material polyurethane: -20 to +50 °C (-4 to +122 °F)

Liner material PTFE: -20 to +90 °C (-4 to +194 °F)

Ambient temperature range

Liner material hard rubber: 0 to +80 °C (+32 to +176 °F)

Liner material polyurethane: -20 to +50 °C (-4 to +122 °F)

Sensor housing material

DN 25 to 300 (1 to 12"): AlSi10Mg, coated

DN 25 to 3000 (1 to 78"): Carbon steel with protective varnish

Sensor connection housing (standard): AlSi10Mg, coated

Sensor connection housing (option): Polycarbonate

Transmitter housing material

Polycarbonat; AlSi10Mg, coated

Liquids

Degree of protection

Compact version: IP66/67, type 4X enclosure

Sensor remote version (standard): IP66/67, type 4X enclosure

Sensor remote version (option): IP68, type 6P enclosure, with protective varnish

according to EN ISO 12944 C5-M/Im1/Im2/Im3

Transmitter remote version: IP66/67, Type 4X enclosure

Display/Operation

4-line backlit display with touch control (operation from outside)

Configuration via local display, web browser and operating tools possible

Outputs

3 outputs:

0-20 mA/4-20 mA HART (active)

Pulse/frequency/switch output (passive)

Pulse/frequency output (passive)

Switch output (passive)

Inputs

Status input

Digital communication

HART, PROFIBUS DP, EtherNet/IP, Modbus RS485

Power supply

AC 100...240 V / AC/DC 24 V

Hazardous area approvals

cCSAus

Metrological approvals and certificates

Calibration performed on accredited calibration facilities (acc. to ISO/IEC 17025), NAMUR

Custody transfer according to MI-001 or OIML R49 (optional class I in combination with ODN inlet run)

Pressure approvals and certificates

CRN

Liquids

Material certificates

3.1 material

Hygienic approvals and certificates

Drinking water approval: ACS, KTW/W270, NSF 61, WRAS BS 6920

More information www.us.endress.com/5W4C

9

**CLAIM AGAINST THE CITY OF SAN BERNARDINO MUNICIPAL WATER DEPARTMENT
WATER BOARD
(FOR DAMAGE TO PERSONS OR PERSONAL PROPERTY)
(Complete both pages)**

7. Give the name(s) of any SBMWD employee(s) who may have been involved in causing the damage or injury:

See attached letter to City of San Bernardino Municipal Water Department

8. Name and address of any other person injured: _____

9. Name and address of the owner of any damaged property: _____

10. Damages claimed:

- a. Amount claimed as of this date: \$ tbd
- b. Estimated amount of the future costs: \$ tbd
- c. Total amount claimed: \$ tbd

d. Basis for amounts claimed (include copies of all bills, invoices, estimates, etc.):

See attached letter to City of San Bernardino Municipal Water Department

11. Names and addresses of all witnesses, hospitals, doctors, etc.:

a. See attached letter to City of San Bernardino Municipal Water Department

b. _____

c. _____

12. Please list any additional information which you believe might be helpful in considering the claim:

**WARNING: IT IS A CRIMINAL OFFENSE TO FILE A FALSE CLAIM!
(Penal Code Sec.72; Insurance Code Sec. 556.1)**

I have read the matters and statements made in the above claim and I know the same to be true of my own knowledge, except as to those matters stated upon information or belief and as to such matters I believe the same to be true. I certify under the penalty of perjury that the foregoing is TRUE and CORRECT.

Signed this 20 day of August, 2025 at Redlands, CA

CLAIMANT'S SIGNATURE: SJ



31 WEST STUART AVE SUITE 300
REDLANDS, CA 92374
PHONE: 909-557-1250
FAX: 909-557-1275
ATTORNEY
GAVIN P. KASSEL
SBOFFICE@McCuneLAWGROUP.COM

August 8, 2025

VIA CERTIFIED MAIL

City of San Bernardino
Municipal Water Department
1350 South E Street
San Bernardino, CA 92408

Mailing address: 290 North D. Street, San Bernardino, CA 92401

RE: Demand Letter for Violations of California Fair Chance Act, Labor Code § 432.7, and Labor Code § 1102.5 on Behalf of Stephen N. Johns

Dear Sir or Madam:

Our law firm represents Stephen N. Johns in connection with his employment at the San Bernardino Municipal Water Department ("the District"). This letter serves as a formal demand to remedy the District's unlawful adverse employment actions and retaliation taken against Mr. Johns in violation of the California Fair Chance Act (Government Code § 12952), Labor Code § 432.7, and Labor Code § 1102.5.

As you know, Mr. Johns was placed on paid administrative leave on or about August 28, 2020. On October 30, 2023, after more than three years, the District issued a "NOTICE OF INTENT TO TAKE ADMINISTRATIVE ACTION," stating its intent to place Mr. Johns on unpaid administrative leave. The sole reason provided for this adverse action was Mr. Johns's alleged "Failure to fully cooperate with administrative investigation while on paid administrative leave". This investigation was directly related to a pending criminal matter that had not resulted in a conviction. The District subsequently placed Mr. Johns on unpaid administrative leave effective December 4, 2023, where he remains to this day.

Critically, the underlying criminal case against Mr. Johns has been resolved through a District Attorney diversion program. Pursuant to this resolution, the case is scheduled to be formally dismissed in its entirety on **November 7, 2025**, contingent upon Mr. Johns not incurring any new misdemeanor or felony violations. Mr. Johns will clearly comply with this condition, and the dismissal is imminent.

Violation of the Fair Chance Act and Labor Code § 432.7

The California Fair Chance Act and Labor Code § 432.7 prohibit an employer from inquiring about or considering an employee's arrest or detention that did not result in a conviction. Further, an employer cannot take adverse action against an employee based on a pending criminal case before the employee has been convicted. A case resolved through a diversion program is explicitly defined by law as not being a conviction. The District's actions constitute a clear violation of these laws.

1. **Adverse Action Based on a Non-Conviction:** The District's decision to suspend Mr. Johns without pay is a direct result of the pending criminal case. The administrative investigation, which the District claims Mr. Johns failed to "fully cooperate" with, was centered entirely on the incident for which he was criminally charged. Punishing an employee for asserting his legal rights in a pending criminal matter is a textbook example of an unlawful adverse action.
2. **Failure to Conduct an Individualized Assessment:** Before taking any adverse action based on a conviction history, an employer must conduct a reasoned, individualized assessment. The District failed to do this. Instead, it issued a blanket punishment based on Mr. Johns's assertion of his rights, ignoring his repeated willingness to cooperate in an unrecorded interview.

Violation of Labor Code § 1102.5 (Whistleblower Retaliation)

The District's actions also constitute a blatant violation of California Labor Code § 1102.5, which prohibits an employer from retaliating against an employee for engaging in

IRVINE - LAFAYETTE - ONTARIO - PHOENIX - RANCHO MIRAGE - REDLANDS - SAN BERNARDINO

protected activity. An employee is protected from retaliation for refusing to participate in an activity that would result in a violation of state law. Here, Mr. Johns exercised his right to privacy under California Penal Code § 632 by refusing to consent to the recording of a confidential communication—the administrative interview. It must be emphasized that Mr. Johns never refused to cooperate with the investigation; to the contrary, he repeatedly affirmed his willingness to be interviewed, so long as it was not recorded.

The District's response was to issue an ultimatum: the interview would be recorded, or it would not happen at all. By conditioning the interview on a waiver of Mr. Johns's statutory privacy rights, and then punishing him for his refusal, the District engaged in unlawful coercion and retaliation. Forcing an employee into a recorded interview about the subject of an ongoing criminal prosecution, where he had also invoked his constitutional right against self-incrimination, is a clear attempt to compel him to violate his own fundamental legal rights. His refusal to surrender these rights was a protected act.

The District's retaliation was immediate and unambiguous. The "NOTICE OF INTENT TO TAKE ADMINISTRATIVE ACTION" dated October 30, 2023, and the subsequent "NOTICE OF ADMINISTRATIVE ACTION" placing him on unpaid leave, both explicitly state the cause as "Failure to fully cooperate with administrative investigation." This "failure" was nothing more than his lawful refusal to be recorded. The causal link between Mr. Johns's protected activity and the District's adverse action is not merely implied; it is the District's own stated justification, providing direct evidence of unlawful retaliation.

Continuous Harm and Refusal to Reinstate

Mr. Johns has consistently and repeatedly expressed his desire to return to work throughout his leave. Despite his leave now being unpaid, he has diligently maintained his job-required certifications and commercial driver's license. The District's response to his inquiries has been a vague "until further notice," offering no path back to employment. With the criminal case now set for a definitive dismissal, the District's rationale for keeping Mr. Johns on unpaid

leave has evaporated entirely. Continuing to deny him the ability to work and earn wages is punitive, unlawful, and malicious.

Damages and Demand for Resolution

The District's illegal actions have caused Mr. Johns significant financial and emotional distress. He has been deprived of his income and forced to exhaust his vacation and holiday accruals simply to maintain health benefits for his family, which includes a dependent with a life-long disability who requires continuous medical care. The District's subsequent refusal to allow him to use his accrued sick leave for benefits has only compounded this hardship. On behalf of Mr. Johns, we hereby demand the following:

1. **Immediate Reinstatement:** A definitive date for Mr. Johns to return to his position as Collections System Lead Worker or a comparable position.
2. **Back Pay:** Full reimbursement of all lost wages, including any scheduled raises, from December 4, 2023, to the date of his reinstatement.
3. **Emotional Distress Damages:** Compensation for the significant emotional distress, anxiety, and financial hardship caused by the District's unlawful actions.
4. **Attorney's Fees and Costs:** Reimbursement for all attorney's fees and costs incurred in enforcing Mr. Johns's rights.

Mr. Johns remains committed to his career with the District and is amenable to engaging in mediation to resolve this matter amicably and swiftly.

Please respond to this letter within **fifteen (15) calendar days** of its receipt to confirm whether the District is willing to discuss a settlement of this matter. Should you fail to respond or refuse to engage in good-faith negotiations, we are prepared to take all necessary legal actions, including filing a formal complaint with the California Civil Rights Department (CRD) and pursuing litigation.

August 8, 2025
Page 5 of 5



Sincerely,

Gavin P. Kassel

Gavin Kassel