

**MINUTES OF REGULAR MEETING**  
**February 16, 2023**  
**RUBIDOUX COMMUNITY SERVICES DISTRICT**

**DIRECTORS PRESENT:** Armando Muniz  
Bernard Murphy  
John Skerbelis  
F. Forest Trowbridge  
Hank Trueba, Jr.

**DIRECTORS ABSENT:**

**STAFF PRESENT:** Brian Laddusaw, General Manager  
Ted Beckwith, District Engineer (virtually)  
Martha Perez, Accounts Payable Manager  
Miguel Valdez, Director of Operations  
Melissa Trujillo, Human Resources

Call to order: the meeting of the Board of Directors of the Rubidoux Community Services District by President Murphy, at 4:00 P.M., Thursday, February 16, 2023, by teleconferencing at District Office, 3590 Rubidoux Boulevard, Jurupa Valley, California.

**ITEM 4. APPROVAL OF MINUTES**

Approval of Minutes for February 2, 2022, Board Meeting.

**Director Skerbelis moved, and Director Trueba seconded to approve the February 2, 2023, Regular Board Minutes as presented.**

**Roll call:**

**Ayes – 5 (Muniz, Murphy, Skerbelis, Trowbridge, Trueba)**

**Noes – 0**

**Abstain – 0**

**Absent – 0**

**The motion was carried unanimously.**

**ITEM 5. Consideration to Approve the February 17, 2023, Salaries, Expenses and Transfers.**

Consideration to Approve the February 17, 2023, Salaries, Expenses and Transfers.

**Director Skerbelis moved, and Director Trowbridge seconded to Approve the February 17, 2023, Salaries, Expenses and Transfers.**

**Roll call:**

**Ayes – 5 (Muniz, Murphy, Skerbelis, Trowbridge, Trueba)**

**Noes – 0**

**Abstain – 0**

**Absent – 0**

**The motion was carried unanimously.**

**ITEM 6. PUBLIC ACKNOWLEDGE OF NON-AGENDA MATTERS**

There were no members of the public to address the board.

**ITEM 7. CORRESPONDENCE AND RELATED INFORMATION**

There was nothing to offer at this time.

**ITEM 8. MANAGER'S REPORT**

**Operations Report:**

Miguel Valdez reported on the water/wastewater report for the month of January, production was an average of just under 2.8 mgd per day and an average of 1.68 mg/day was the wastewater flow to Riverside. On average 0 mg/day of water to JCSD. The District is not currently selling water to JCSD. Well No. 1 produced 0% of the water, Well No. 2 produced 19%, Well No. 4 produced 6% and Well No. 6 produced 10%, Well No. 8 produced 65% and Well No. 18 produced 0% of the water.

**Emergency and Fire Report:**

Chief Otterman reported the Incidents Reported for the month of January 2023 and Special District Rubidoux CSD. Station 38 had a total of 266 calls. 178 calls, 66.9% were medical aides. Additionally, there was a report for the City of Jurupa Valley. There were 25 False Alarms, 9.4%, 2 Other Misc, .8%, 12 Other Fire, 4.5%, 10 Public Service Assist, 3.8%, 1 Ringing Alarm 0.4%, 4 Standby, 1.5%, 28 Traffic Collisions, 10.5%, 2 Vehicle Fire, 0.8% and 3 Wildland Fires, 1.1%.

Form 700 must be submitted to the county by April 1, 2023. Personnel updates: there were 6 interviews yesterday for the Financial Director position. They all have a heavy financial background. There will be second interviews scheduled for the top candidates. In Miguel's department, they promoted from within - a senior utility maintenance II worker, Marco Salas (a lead supervisor) in the field; he's now the senior maintenance worker in the production side/treatment. There were also interviews to replace Marco's position. There have been two offers made today. There is also a part-time position, Claudia, who is now a full-time position.

Brian Laddusaw gave a short presentation on IE Works and the funding. The purpose is to develop a diverse talent pipeline via apprenticeship, internships, and career opportunities as it relates solely to the water/wastewater industry. It's structured. There are four (4) different types of programs. The Career Awareness Program is the very first program. It is introduced at the high school level to students that may possibly be looking to not enter a 4-year university program. This is a sustainable career. There is a Pre-Apprenticeship Program. This is an introductory knowledge to the field of water/wastewater. It provides literature and information about the industry. There is the Internship Program. This is for the person who has made the choice that they may think they want to go down this career path, and how do they get on with an agency. What the internship program does is gets someone hired with an agency on an internship basis. It's usually a paid (\$17-\$19/hr.), part-time position, with a commitment of 20-30 hrs./week on an average of 12 weeks. The interns would be vetted by IE Works. Scott would then place interns for the future program. Lastly there is an Apprenticeship Program. This is for someone who is well past the Internship program who wants to be hired on with a public agency full time. This is like a hand holding for a period of 3 years to give someone time to move their career along and get their certifications to what they would need to be portable with other agencies. How the funding works: 2/3 of the wages would be paid for by the district and 1/3 of the wages would be reimbursed from IE Works. This program currently has secured grant funding through 2024 and they are trying to get a third grant of funding to carry them through 2026.

RCSD could become involved with this program by becoming a partner and signing a charter. There is a fee. If the board wanted to become involved our fee would be \$2,000 because we would be considered the top tier. For the remainder of the year, our buy in fee would be \$500.00, and next year it would be the \$2,000.

March 2, 2023, Gracie Torres, President of IE Works, could possibly give a presentation to the board.

**ITEM 9. First Reading of Ordinance No. 2023-133, An Ordinance Establishing Board Member Stipends. DM 2023-15.**

**BACKGROUND**

On February 2, 2023, at the regularly scheduled Rubidoux Community Services District ("District") Board of Director's ("Board") meeting, the Board directed staff to prepare DRAFT Ordinance No. 2023-133 and schedule its introduction (First Reading) at tonight's regularly scheduled Board meeting. At the direction of the Board, staff was instructed to complete the following:

Ordinance No. 2023-133:

1. Adjust the Board member stipend for regular meetings (including special, emergency, advisory, etc.) and committee meetings to the maximum allowed under current California Water Code.

Regular: From \$155.13/meeting to **\$179.58/meeting**

Committee: From \$63.81/meeting to **\$73.87/meeting**

2. Adjust the Board member stipends automatically, on an annual basis, **commencing July 1, 2024**, to the maximum allowed under the then current California Water Code. For reference, the current California Water Code allows for a maximum 5% annual increase.

Schedule:

1. Complete the Ordinance adoption process as fast as administratively possible, which is as follows:

February 16, 2023 (tonight) – 1<sup>st</sup> Reading of Ordinance No. 2023-133

March 2, 2023 – 2<sup>nd</sup> Reading, Public Hearing, and Adoption of Ordinance No. 2023-133

May 1, 2023 – Effective Date of Ordinance No. 2023-133 (60 days past adoption)

Based on the above schedule, the Board would notice an adjustment to their stipend pay on their June 9, 2023 paycheck, as the Board is paid in arrears.

If no material changes are proposed to DRAFT Ordinance No. 2023-133, staff recommends the Board continue with the timeline above and schedule the 2<sup>nd</sup> Reading and Public Hearing at the regularly scheduled March 2, 2023 Board meeting.

**Director Skerbelis moved, and Director Trueba seconded to not increase the Board Member stipend and not proceed with Ordinance No. 2023-133 adoption.**

**Roll call:**

Ayes – 2 (Skerbelis, Trueba)  
Noes – 3 (Murphy, Trowbridge, Muniz)  
Abstain – 0  
Absent – 0

**The motion failed.**

**Director Trueba moved, and Director Muniz seconded to Table this item to the next board meeting, March 2, 2023.**

**Roll call:**

Ayes – 3 (Muniz, Trowbridge, Trueba)  
Noes – 1 (Murphy)  
Abstain – 1 (Skerbelis)  
Absent – 0

**The motion was carried by majority vote.**

**ITEM 10. Receive and File Statement of Cash Asset Schedule Report Ending January 2023. DM 2023-16.**

## **BACKGROUND**

Attached for the Board of Directors' consideration is the January 2023 Statement of Cash Asset Schedule Report for all District Fund Accounts. Our YTD interest is \$230,742.31 for District controlled accounts. With respect to District "Funds in Trust", we show \$8,969.85 which has been earned and posted. The district has a combined YTD interest earned total of \$239,712.16 as of January 31, 2023.

The District's Operating Funds (Excluding Restricted Funds and Operating Reserves), we show a balance of \$14,421,863.13 ending January 31, 202. That's **\$5,411,676.88 MORE** than July 1, 2022, beginning balance of \$9,010,186.25.

Further, the District's Field/Admin Fund current fund balance is \$711,658.77.

Submitted for the Board of Directors consideration is the *January 2023, Statement of Cash Asset Schedule Report* for your review and acceptance this afternoon.

**Director Trowbridge moved, and Director Skerbelis seconded to Receive and File the Statement of Cash for the Month of January 2023 for the Rubidoux Community Services District.**

**Roll call:**

**Ayes – 5 (Muniz, Murphy, Skerbelis, Trowbridge, Trueba)**

**Noes – 0**

**Abstain – 0**

**Absent – 0**

**The motion was carried unanimously.**

**ITEM 11. Consider Updates to Certain Policies of the Rubidoux Community Services District Employee Handbook. DM 2023-17.**

## **BACKGROUND**

The Rubidoux Community Services District ("District") Employee Handbook ("Handbook") is designed to be a user-friendly source of general information about the District, compensation, benefits, policies, and state and federal laws. The Handbook contains a wide variety of information that should be especially useful to new hires as well as current staff. It serves as reinforcement to all employees of the importance of the District's mission and goals and as a reminder to employees of the vital role they play at the District.

The Handbook is not a replacement for the current Memorandum of Understanding ("MOU") between the District and employees represented by the Laborers' International Union of North America, Local 777 ("Union"), but rather supplements the MOU.

The District's Board of Directors ("Board") last updated the Handbook in its entirety on June 17, 2021 (DM 2021-40). Since that time, California law and statutes have made changes to the

following: Bereavement Leave, California Family Rights Act “CFRA”, and Sick Leave. The District’s labor counsel and staff reviewed the policies in the Handbook and are proposing modifications to the verbiage accordingly to conform with current state law and statutes. Additionally, the District’s labor counsel and staff are proposing and modifications to District Pregnancy Disability Leave “PDL” policy to better “streamline” the policy so it doesn’t need revisions each time the legislature modifies CFRA law. During this process the following policies were identified as needing updates:

1. Policy 2405 – Bereavement Leave
2. Policy 2425 – Family & Medical Leave
3. Policy 2450 – Pregnancy Disability Leave
4. Policy 2460 – Sick Leave

For ease of review, District staff attached only the policies mentioned above and included them as “redlined” copies. These policy updates would bring the District’s employee Handbook current with existing state law and statutes. Should the Board not proceed with the update, District staff would still be required to abide by present state law and statutes.

At the advice of the District’s labor counsel, adjustments to the District’s Handbook, even minimum updates to comply with state law and statutes, triggers a notification of the District’s Union representative. In December 2022, District staff delivered the same “redlined” copies of the four policies being considered for update to the Union representative. The Union representative had six weeks to review the proposed changes and provide comments. As of the writing of this Memorandum, the District has not received any correspondence from the Union representative. Due to no objections from the Union, staff recommends the Board consider and adopt these changes.

**Director Skerbelis moved, and Director Murphy seconded the Board of Directors approve updates to the Rubidoux Community Services District Employee Handbook’s following policies:**

1. Policy 2405 – Bereavement Leave
2. Policy 2425 – Family & Medical Leave
3. Policy 2450 – Pregnancy Disability Leave
4. Policy 2460 – Sick Leave

**Roll call:**

**Ayes – 5 (Muniz, Murphy, Skerbelis, Trowbridge, Trueba)**

**Noes – 0**

**Abstain – 0**

**Absent – 0**

**The motion was carried unanimously.**

**ITEM 12. Consider California Special District Association Board of Directors Election Call for Nomination, Seat C – Southern Network for Term 2024-2026. DM 2023-18.**

## BACKGROUND

Rubidoux Community Services District (“District”) is a member of the California Special Districts Association (“CSDA”). CSDA is a not-for-profit association that was formed in 1969 to promote good governance and improve core local services through professional development, advocacy, and other services for all types of independent special districts.

It has a membership of over 1,000 organizations throughout California representing all types of independent special districts including irrigation, water, park and recreation, cemetery, fire, police protection, library, utility, harbor, healthcare, and community services districts. CSDA provides education and training, insurance programs, legal advice, industry-wide litigation and public relations support, legislative advocacy, capital improvement and equipment funding, collateral design services, and, most importantly, current information that is crucial to a special district’s management and operational effectiveness.

District staff received correspondence from CSDA indicating CSDA’s call for nominations for CSDA Board of Directors Seat C.

CSDA governance involves a Board of Directors comprised of six networks with three seats for each network. The networks are geographic areas within the state of California. The District is in the Southern Network. The three representative Board of Director members for each network are on staggered three-year terms. Seat C for the Southern Network has an expiring term, thus the call by CSDA for nominations to fill this position. The seat is currently filled by Arlene Schafer – Board Vice-President of Costa Mesa Sanitary District. Included in the correspondence received from CSDA was her intention of running for re-election for Seat C, Southern Section. The other two Southern Network Directors not currently up for re-election are Don Bartz – GM of Phelan Pinon Hills CSD, and Jo MacKenzie – Board President of Vista Irrigation District.

If any of the District’s Board Members are interested in submitting to CSDA for the election to fill the upcoming three-year term for Seat C, Southern Network, it is suggested the following schedule and actions be followed:

- February 16, 2023 (tonight):
  - A. Deliberate and determine which Director or Directors, if any, are interested in being considered for the CSDA Seat C – Southern Network Board of Directors seat.
  - B. If multiple Directors are interested, select a preferred candidate.
  - C. Direct staff to prepare Resolution for nomination of preferred candidate.
- March 2, 2023:
  - A. Consider and adopt resolution for preferred candidate.
  - B. Allow preferred candidate to complete candidate information sheet.
  - C. Direct staff to submit resolution and candidate information sheet to appropriate CSDA staff.

When considering your interest, please note the commitment and expectations of a CSDA Board of Director:

- Attend all Board meetings, usually 4-5 meetings annually, at the CSDA office in Sacramento.
- Participation in at least one committee, meets 3-5 times a year at the CSDA office in Sacramento.
- Attend, at minimum, the following CSDA annual events: Special District Legislative Days – held in the Spring, and the CSDA annual conference – held in the Fall.
- Complete all four modules of CSDA’s Special District Leadership Academy within 2 years of being elected.

CSDA’s deadline is April 6, 2023 for receipt of candidate nominations. Voting will begin June 5, 2023 and end July 14, 2023. The successful candidate will be notified no later than July 18, 2023 with all new CSDA Board Members introduced at the Annual CSDA Conference in Monterey, CA in August 2023.

The attached correspondence from the CSDA dated January 30, 2023 goes into more details regarding the process. It is recommended the Board review this in preparation of consideration of nominating a Director on February 16, 2023.

**Director Muniz nominated himself but the motion failed for lack of a second.**

**Director Trueba nominated Director John Skerbelis and Director Murphy seconded the nomination. Staff will prepare a resolution with Director Skerbelis for consideration on March 2, 2023 at the regularly scheduled Board of Directors meeting.**

**Roll call:**

**Ayes – 5 (Muniz, Murphy, Skerbelis, Trowbridge, Trueba)**

**Noes – 0**

**Abstain – 0**

**Absent – 0**

**The motion was carried unanimously.**

**ITEM 13. Consider Amended Agreement to Provide Water to Rubidoux Community Services District. DM 2023-19.**

**BACKGROUND**

On March 3, 2022 the Board approved an agreement between Metropolitan Water District, San Bernardino Valley Municipal Water District, Western Municipal Water District, West Valley Water District and Rubidoux Community Services District under DM 2022-16 which is attached for reference.

Rubidoux Community Services District (“RCSD”) contracts with the City of Riverside (“City”) for sewage treatment at the Regional Water Quality Control Plant (“RWQCP”) and has treatment capacity in the plant, albeit a small percentage of the total capacity of the RWQCP. Groundwater pumped by the District and delivered to its residents has a high ambient level of Total Dissolved Solids (“TDS”) which is not harmful for consumption at the average concentration of 540 parts per million (“ppm”) but does create issues for maintaining the aggregate TDS levels discharged



by the City for recycled water being below the permit limit of 650ppm for the RWQCP. As outlined in DM 2022-16 the most cost-effective way for the District to deal with high TDS levels in its wastewater delivered to the City at the RWQCP is to blend high ambient TDS groundwater with lower ambient TDS imported water via West Valley Water District.

An agreement was put together between the parties to accomplish this goal and was approved by the Boards of four out of the five agencies. As the agreement was before the Metropolitan Water District ("MWD") Board at the same time Department of Water Resources ("DWR") announced deliveries from the State Water Project ("SWP") would be an allocation of only 5% of normal for those receiving SWP water. Many of the member agencies of MWD are solely reliant on deliveries of SWP water and in the face of this drastic cut to their water deliveries were opposed to the agreement to allow RCSD an imported water supply even though RCSD would not be receiving any SWP water until such time as the intertie at Wilson Street is built and there actually is a need for the lower TDS water. Consequently, the agreement was not approved by the MWD Board of Directors as these same Member Agencies each have a board member serving on the MWD Board and were able to get enough votes against the agreement.

In recap, the proposed agreement entitled "Agreement to Provide Water to Rubidoux Community Services District," ("Agreement") attached, has the following main terms:

1. Parties:
  - a. Metropolitan Water District ("MWD" or "Met")
  - b. San Bernardino Valley Municipal Water District ("SBVMWD" OR "Valley District")
  - c. Western Municipal Water District ("WMWD" or "Western")
  - d. West Valley Water District ("WVWD" or "West Valley")
  - e. Rubidoux Community Services District ("RCSD" or "Rubidoux")
2. Volume of Water Available: up to 2,000 AFY
3. Accounting of water sales: MWD will bill Western for full service untreated water delivered into San Bernardino Valley's connection to MWD's system and include volumetric charges, capacity charges, and readiness to serve charges in effect at the time.
4. West Valley Charges: West Valley will charge the District for wheeling and treatment expenses, currently indexed to 85% of the MWD treatment surcharge for full-service water. As a note, a separate agreement between West Valley and the District will follow detailing specific operation terms and conditions for actual water deliveries.
5. Term: Agreement is effective to December 31, 2035, coinciding with the termination of State Water Contracts with DWR. However, the term of the Agreement extends to match the term of the State Water Contracts if extended.

The Amended Agreement has, in addition to above, the following new terms:

1. Recital D was added as follows:

West Valley is a County Water District, a public agency of the State of California, providing retail water to approximately 95,000 customers. West Valley's service area overlaps five political jurisdictions: The Cities of Rialto, Fontana, Colton, and Jurupa Valley; and unincorporated areas of San Bernardino County, including the community of

Bloomington. West Valley's service area overlaps the service areas of two SWP contractors, Metropolitan and Valley District.

It is important to recognize here that West Valley's Service Area overlaps two SWP Contractors, MWD and Valley District, as this is where the transfer of water brought by MWD from the SWP is actually delivered to West Valley via SBVMWD. This water is then sold to RCSD and delivered to RCSD via the proposed Wilson Street Intertie. This Recital recognizes these facts in the agreement.

2. Agreement Term 7 was added as follows:

Water Use Restrictions. During a time when the Department of Water Resources is administering SWP allocations pursuant to Article 18a of the Water Supply Contracts, or during a time when Metropolitan's Board of Directors has declared that a regional shortage is in effect, the same guidelines, procedures, and limitations that Metropolitan applies to its Member Agencies, including, but not limited to, water supply allocation surcharges, volumetric limits, outdoor watering restrictions, or other response actions to preserve supplies in times of shortages, will apply to deliveries made pursuant to this Agreement.

Based on current costs water delivered to the RCSD will cost \$1,160 to \$1,200/acre-foot.

The Agreement was reviewed by RCSD Counsel and was found acceptable with the recommendation that the Board reconsider the agreement. Thus far it has been accepted by all parties but RCSD and MWD, with it expected to be presented to MWD in March, 2023.

With approval of the agreement and construction of the intertie with West Valley, the District will have access to low TDS potable water (325 mg/l) to use as diluent to combine with higher TDS local groundwater. Based on current annual water demand, the District will need around 800 AFY. This annual volume will increase as demand increases in the District with new development.

**Director Skerbelis moved, and Director Trowbridge seconded the Board of Directors authorize the General Manager to:**

1. **Sign the agreement entitled "Agreement to Provide Water to Rubidoux Community Services District" as attached or as modified with minor, non-substantive edits.**

**Roll call:**

**Ayes – 5 (Muniz, Murphy, Skerbelis, Trowbridge, Trueba)**

**Noes – 0**

**Abstain – 0**

**Absent – 0**

**The motion was carried unanimously.**

**ITEM 14. CLOSED SESSION – Pursuant to Government Code 54956.8: Real Property Negotiations**

Property: Various Parcels within Tentative Tract Map 38318 and The District at Jurupa Valley Specific Plan for District Use as Well and Water Treatment Sites

Agency’s Negotiator: Brian R. Laddusaw, General Manager, RCSD

Developer’s Negotiator: Matthew Dugally, Principal, EM Ranch Owner, LLC

Under Negotiation: Purchase Contract Terms

**BACKGROUND**

In Closed Session at the February 2, 2023 Board Meeting, the Rubidoux Community Services District (“RCSD”) Board of Directors (“Board”) approved a closed session item to enter into a Development Agreement with EM Ranch Owner, LLC (“Developer”) to purchase future well sites and land adjacent to the Leland Thompson Water Treatment Facility. While the Board approved the agreement, President Murphy requested staff investigate the date of valuation being 30 days after the approval of the Tentative Tract Map and not at 30 days after the recordation of the final Tract Map. Staff contacted the Developer and the Developer agreed this would represent a better date for appraising the property as it would be after the property could be legally transferred without use of a Meets and Bounds Legal Description.

Section of 4.02(b)(k) of the agreement has been revised as follows to reflect this change:

“Valuation. Within thirty (30) days of the recordation of the Tract Map for the Project, Developer shall have the Subject Property appraised...”

**Reportable Action: The Board authorized the General Manager to sign the amended developer agreement with EM Ranch Owner, LLC by unanimous vote.**

**ITEM 15. Directors Comments**

Director Murphy adjourned the meeting at 4:57 PM.