



**SAWPA COMMISSION
REGULAR MEETING MINUTES
AUGUST 16, 2016**

COMMISSIONERS PRESENT

Thomas P. Evans, Chair, Western Municipal Water District
Ed Killgore, Vice Chair, San Bernardino Valley Municipal Water District
Ronald W. Sullivan, Secretary-Treasurer, Eastern Municipal Water District
Phil Anthony, Orange County Water District
Terry Catlin, Inland Empire Utilities Agency

COMMISSIONERS ABSENT

None.

**ALTERNATE COMMISSIONERS
PRESENT; NON-VOTING**

Jasmin Hall, Alternate, Inland Empire Utilities Agency
Steve Copelan, Alternate, San Bernardino Valley Municipal Water District
Brenda Dennstedt, Alternate, Western Municipal Water District

STAFF PRESENT

Celeste Cantú, Rich Haller, Larry McKenney, Mark Norton, Karen Williams, Dean Unger, David Ruhl, Carlos Quintero, Ian Achimore, Kelly Berry

The Regular Commission Meeting of the Santa Ana Watershed Project Authority was called to order at 9:30 a.m. by Chair Evans at the Santa Ana Watershed Project Authority, 11615 Sterling Avenue, Riverside, California.

1. CALL TO ORDER/PLEDGE OF ALLEGIANCE

2. ROLL CALL

Roll call was duly noted and recorded by the Clerk of the Board.

3. PUBLIC COMMENTS

There were no public comments.

4. CONSENT CALENDAR

A. APPROVAL OF MEETING MINUTES: AUGUST 2, 2016

Recommendation: Approve as posted.

B. TREASURER'S REPORT – JULY 2016

Recommendation: Approve as posted.

C. REACH V REHABILITATION AND IMPROVEMENT PROJECT – PHASE I (CM#2016.67)

Recommendation: Find that the unfinished condition of the Reach V Rehabilitation and Improvement Project (the Project) after the termination for cause of the Project contractor continues to be an emergency that requires immediate action per the Commission's prior action on August 2, 2016.

MOVED, approve the Consent Calendar, with a correction to the August 2, 2016 meeting minutes that Slawson, not Sullivan, seconded Catlin's motion on the Sole Source Procurement to Complete Reach V Rehabilitation and Improvement Project (CM#2016.61).

Result:	Adopted (Unanimously; 5-0)
Motion/Second:	Anthony/Catlin
Ayes:	Anthony, Catlin, Evans, Killgore, Sullivan
Nays:	None
Abstentions:	None
Absent:	None

5. **NEW BUSINESS**

A. **UPDATED CREDIT CARD POLICY AND PROCEDURES (CM#2016.62)**

Karen Williams provided a PowerPoint presentation on the updated Credit Card Policy and Procedures outlining specific revisions to the current policy, which was authorized in 1999. Recommended revisions will increase procurement efficiency and safeguard standards. Cardholders will be held personally responsible in the case of misuse; Chair Evans confirmed the revised policy includes a statement setting forth disciplinary action for misusing issued agency credit cards.

MOVED, approve the updated Credit Card Policy and Procedures (POR104).

Result: **Adopted (Unanimously; 5-0)**
Motion/Second: Anthony/Sullivan
Ayes: Anthony, Catlin, Evans, Killgore, Sullivan
Nays: None
Abstentions: None
Absent: None

B. **NO FEE ACCESS PERMITS FOR THE SANTA ANA RIVER HABITAT SURVEY (CM#2016.63)**

Ian Achimore provided a PowerPoint presentation on Santa Ana River Habitat Survey purpose, SAWPA's involvement, and provisions of the no fee access permits. The survey is relatively low-risk and volunteers will sign a release of liability form prior to participating. A training video has been prepared and will be presented to staff and volunteers.

A discussion ensued regarding the habitat survey and the value provided by SAWPA. It was the consensus of the Commission that SAWPA's involvement and level of contribution will be examined as part of the upcoming budget process.

MOVED, authorize staff to execute access permits with the Riverside County and San Bernardino County Flood Control Districts and the City of Riverside for the Santa Ana River Habitat Survey.

Result: **Adopted (Unanimously; 5-0)**
Motion/Second: Anthony/Sullivan
Ayes: Anthony, Catlin, Evans, Killgore, Sullivan
Nays: None
Abstentions: None
Absent: None

C. **ARUNDO MANAGEMENT AND HABITAT RESTORATION FUND (ARUNDO ROUNDTABLE) UPDATE (CM#2016.64)**

Ian Achimore provided a PowerPoint presentation updating the Commission on the Arundo Management and Habitat Restoration Fund (Arundo Roundtable). Staff has continued working with Arundo Roundtable Partner Riverside County Parks and Open Space District (RivCo Parks) on maintaining the eradication of this invasive weed in the Santa Ana River Watershed through the revenue generating framework of the Santa Ana River Mitigation Bank, owned and operated by RivCo Parks with oversight from the Army Corps of Engineers. Commissioner Anthony voiced his support of Arundo eradication and noted a watershed-wide approach established from the top of the watershed would be ideal.

This item was for informational purposes; no action was taken on Agenda Item No. 5.C.

D. 2017 OWOW CONFERENCE (CM#2016.68)

The 2017 OWOW Conference will be held at the Ontario Convention Center on May 25, 2017, and staff recommended contracting with the Water Education Foundation (WEF) to create, develop and deliver the 2017 OWOW conference. WEF has maintained a successful relationship with SAWPA in planning past OWOW Conferences.

MOVED, approve contracting with the Water Education Foundation to create, develop and deliver the 2017 OWOW State of the Santa Ana River Watershed Conference under the terms of the 2011 agreement.

Result:	Adopted (Unanimously; 5-0)
Motion/Second:	Catlin/Sullivan
Ayes:	Anthony, Catlin, Evans, Killgore, Sullivan
Nays:	None
Abstentions:	None
Absent:	None

E. BRINE LINE COMMUNICATION AND OUTREACH UPDATE

Gale Hammons, Hammons Strategies, provided a PowerPoint presentation with the Brine Line Communication and Outreach Update. The presentation addressed the purpose of public relations efforts and outlined the results of those efforts in public outreach, media relations, tactical messaging, social media, and new informational pathways. Commissioner Anthony requested increased communications with impacted individuals, not merely general communications, and explicitly requested a more specific list of those individuals. Alternate Commissioner Hall voiced her desire for increased communication with local Mayors and Councils within impacted communities.

This item was for informational purposes; no action was taken on Agenda Item No. 5.E.

6. INFORMATIONAL REPORTS

Recommendation: Receive and file the following oral/written reports/updates.

A. CASH TRANSACTIONS REPORT – JUNE 2016

B. INTER-FUND BORROWING – JUNE 2016 (CM#2016.65)

C. PERFORMANCE INDICATORS/FINANCIAL REPORTING – JUNE 2016 (CM#2016.66)

D. GENERAL MANAGER’S REPORT

E. STATE LEGISLATIVE REPORT

F. SAWPA GENERAL MANAGERS MEETING NOTES

- August 9, 2016

G. CHAIR’S COMMENTS/REPORT

Chair Evans referenced the August 11, 2016 correspondence recently sent to General Manager Cantú by Commissioners Ed Killgore, Ron Sullivan, and Phil Anthony, and General Managers Doug Headrick, Paul Jones, and Mike Markus. The subject matter was the recently concluded SAWPA Strategic Assessment and stated their position that the process had been completed prematurely without achieving consensus and had not met with their expectations. Chair Evans noted that at the July 19,

2016 meeting, the Commission had unanimously voted to receive and file the Strategic Assessment Final Report and the Critical Success Factors (CSFs) and Processes, Activities or Tasks (PATs) for each of the three SAWPA business lines (Brine Line, OWOW, Roundtables), and directed staff to provide a status update in six (6) months relative to accomplishing these CSFs and PATs, with continuing periodic status updates thereafter.

Chair Evans stated his concerns regarding the letter. First, that the avenue utilized for voicing their collective concern regarding the Strategic Assessment had been a letter addressed to the General Manager and not a discussion during a Commission meeting – either those meetings during which the Strategic Assessment had been presented to the Commission by consultant Paul Brown or as a request that an item be placed on an agenda for future discussion as requested in the standard agenda item, “Commissioners’ Request for Future Agenda Items.” Second, since three of the five Commissioners signed the letter, he was concerned this might constitute a violation of The Brown Act and accordingly asked Executive Counsel McKenney to provide his legal opinion.

McKenney stated he had reviewed the letter, and in his view the letter does represent a violation of The Brown Act. In order to cure the violation and any exposure to SAWPA, the issue raised in the letter must be agendized for consideration at a future meeting. Commissioner Anthony asked why the letter is a violation; McKenney responded it represents a concerted view of a majority of the Commission that was developed outside of a noticed public meeting. Commissioner Sullivan noted that there was no decision reached in the letter, which was only an expression of concern about the process since there was no opportunity to review what Mr. Brown presented prior to the meeting. McKenney noted such concerns should be discussed at a noticed public meeting, and the letter goes beyond requesting the matter be brought back for discussion – it suggests that a majority of the Commission is asking the General Manager to restart a process for further engagement and discussion. Chair Evans gave direction to place the matter on the September 6 meeting agenda for collective discussion.

H. COMMISSIONERS’ COMMENTS

There were no Commissioners’ comments.

I. COMMISSIONERS’ REQUEST FOR FUTURE AGENDA ITEMS

There were no Commissioner requests for future agenda items.

7. CLOSED SESSION

Larry McKenney noted the Closed Session items the Commission would discuss, then designated personnel essential to the discussion of Agenda Item No. 7.A. Chair Evans called for public comments on Closed Session items 7.A., 7.B., or 7.C.; there were no public comments.

At 10:18 a.m., Chair Evans recessed the meeting to Closed Session. Celeste Cantú, Larry McKenney, Rich Haller and David Ruhl participated in the discussion of Agenda Item No. 7.A.

A. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(d)(1)

Name of Case: Spiniello Companies v. Charles King Company, Inc., Santa Ana Watershed Project Authority, The Ohio Casualty Insurance Company (Superior Court of Los Angeles BC616589)

B. PUBLIC EMPLOYEE ANNUAL PERFORMANCE EVALUATION – PURSUANT TO GOVERNMENT CODE SECTION 54957

Title: General Manager

C. PUBLIC EMPLOYEE ANNUAL PERFORMANCE EVALUATION – PURSUANT TO GOVERNMENT CODE SECTION 54957

Title: Executive Counsel

Chair Evans resumed Open Session at 12:25 p.m. There was no reportable action taken by the Commission during Closed Session.

8. ADJOURNMENT

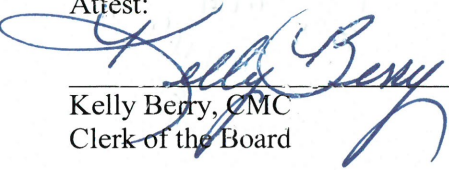
There being no further business for review, Chair Evans adjourned the meeting at 12:25 p.m.

Approved at a Regular Meeting of the Santa Ana Watershed Project Authority Commission on Tuesday, September 6, 2016.



Thomas P. Evans, Chair

Attest:



Kelly Berry, CMC
Clerk of the Board