



**SAWPA COMMISSION
REGULAR MEETING MINUTES
FEBRUARY 21, 2017**

COMMISSIONERS PRESENT

Susan Lien Longville, Chair, San Bernardino Valley Municipal Water District
Ronald W. Sullivan, Vice Chair, Eastern Municipal Water District
Jasmin A. Hall, Secretary-Treasurer, Inland Empire Utilities Agency
Thomas P. Evans, Western Municipal Water District
Philip L. Anthony, Orange County Water District

COMMISSIONERS ABSENT

None

**ALTERNATE COMMISSIONERS
PRESENT; NON-VOTING**

Kati Parker, Alternate, Inland Empire Utilities Agency
Bruce Whitaker, Alternate, Orange County Water District
Gil Navarro, Alternate, San Bernardino Valley Municipal Water District

STAFF PRESENT

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

The Regular Commission Meeting of the Santa Ana Watershed Project Authority was called to order at 9:32 a.m. by Chair Longville 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.

Commissioner Anthony introduced the newly appointed Alternate Commissioner representing OCWD, Bruce Whitaker; Mayor, City of Fullerton. Mayor Whitaker recently rejoined the OCWD board.

4. CONSENT CALENDAR

A. APPROVAL OF MEETING MINUTES: FEBRUARY 7, 2017

B. TREASURER'S REPORT – JANUARY 2017

MOVED, approve the Consent Calendar.

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

5. NEW BUSINESS

A. FACILITATED PROCESS WITH SAWPA MEMBER AGENCIES GENERAL MANAGERS (CM# 2017.27)

This facilitated process has been under discussion for several months; staff recommended supporting the facilitated process with member agencies to discuss and resolve management issues, sharing in the costs equally with the member agencies. The anticipated cost for each member agency is \$5,000.

Commissioner Sullivan emphasized the importance of collaboration and the need for consensus, and requested that all six general managers sign off on the report prepared at the conclusion of the process, and moved the item with this revision. Commissioner Anthony voiced his support, and seconded the motion. The expectation expressed by Chair Longville was that the process would include a consensus in the final report, including objectives on moving forward more smoothly and effectively.

MOVED, support a facilitated process with member agencies to discuss and resolve management issues, sharing in the costs equally with the member agencies, including a report prepared at the conclusion of the process signed off on by all six general managers.

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

B. APPROVAL OF THE REQUEST FOR PROPOSALS (RFP) FOR THE DESIGN OF THE SANTA ANA SUCKER PROTECTION AND BENEFICIAL USE ENHANCEMENT PROJECT (CM# 2017.20)

Ian Achimore provided a PowerPoint presentation on the Santa Ana Sucker Protection and Beneficial Use Enhancement Project (Project) and the Request for Proposals (RFP) recommended for approval. SAWPA is tasked with implementing the Project on behalf of the Santa Ana Sucker Conservation Team. The most pressing threat to the Santa Ana Sucker is the lack of suitable habitat necessary to increase species population. Project scope of the proposed RFP would increase the amount of beneficial stream habitat for the Santa Ana Sucker by 150 yards of the Santa Ana River. Heather Dyer, SBVMWD, elaborated on the necessity and purpose of habitat creation. Orange County Water District staff will assist with permitting and CEQA. It is anticipated habitat creation would begin in the Fall of 2018.

Commissioner Evans asked if this Project will complement the habitat restoration aspect of SARCCUP. Achimore noted habitat restoration within SARCCUP is in-stream/river habitat, which would add to the value of tributary work.

The budget to prepare the RFP and related material is estimated at approximately \$6,300, with a design budget of approximately \$50,000 and an estimated construction budget of \$75,000. SBVMWD's governing Board will be asked to consider sharing in the design cost; Chair Longville stated she was confident the SBVMWD Board would be supportive.

MOVED, approve issuance of the Request for Proposals (RFP) for the Design of the Santa Ana Sucker Protection and Beneficial Use Enhancement Project (Project).

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

C. SANTA ANA REGIONAL BOARD 303(d) LIST WORKSHOP (CM#2017.21)

Mark Norton provided a PowerPoint presentation regarding a public workshop held at SAWPA on February 8, 2017, by the Santa Ana Regional Water Quality Control Board (Regional Board). The purpose of the workshop was to provide public review and receive comment on updates to the Clean Water Act Section 303(d) list (a list of waterbodies not meeting water quality standards) and Section 305(b) Integrated Report (a report on the conditions of water quality within the watershed) for the Santa Ana Region. The Regional Board provided information on regulatory background, the Integrated Report process, data assessment and next steps. The State's assessment timeline is a six-year plan; data solicitation commenced in 2010.

A special assessment issue worth noting is the evaluation of the condition of a waterbody based on the organisms present in the water. Inland surface water communities and populations, including vertebrate, invertebrate, and plant species, shall not be degraded as a result of the discharge of waste. Degradation is damage to an aquatic community or population with the result that a balanced community no longer exists. The Benthic Community Effect is now established as a new category to ensure protection of macroinvertebrates within each region across the state. The California Stream Condition Index (CSCI) will be used over Regional Index where available and water quality issues added to the 303(d) list when available scoring is "likely degraded."

Commissioner Sullivan noted there is continuous mandated spraying for mosquitoes, and voiced concern this data may be unclear as well as the state's utilization of said data and subsequent enforcement. Norton noted the state's view is the overall ecology rather than pinpointing one specific type of invertebrate impacted and seeking to protect the water quality of these areas, and encouraged interested parties to view the workshop data which has been posted to the Regional Board website.

SAWPA has taken a proactive approach, responding to address concerns through collaboration among flood control agencies and applicable Roundtables, working to share and ensure information is as accurate as possible. Roundtable efforts have proven to be of great benefit; for instance, we are now able to use more accurate indicators for pathogens as a direct result of Stormwater Quality Standards Task Force efforts. Further, staff will reach out to water quality monitoring agencies in the watershed in near future to determine if support exists for conducting more centralized data collection and management under the Regional Water Quality Monitoring Task Force administered by staff to avoid duplication, lack of quality assurance and control of some data, and better coordination among monitoring agencies.

Written comment period ends March 6, 2017; SAWPA Task Forces and partners are utilizing Risk Sciences to review impacts of the new 303(d) listing and will prepare response letters to the Regional Board. The 303(d) list approval recommendation will be considered at the Regional Board March 17, 2017 regular meeting.

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

D. INLAND EMPIRE BRINE LINE REACH V REHABILITATION AND IMPROVEMENT PROJECT – PHASE 1

David Ruhl provided a PowerPoint presentation regarding Phase 1 of the Inland Empire Brine Line Reach V Rehabilitation and Improvement Project, updating the Commission on the progression of Tasks 1 through 4 and continuing public outreach efforts.

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

E. PROJECT AGREEMENT 23 FIRST AMENDMENT AND RESTATEMENT (CM#2017.22)

Larry McKenney presented the item and noted the materials in the packet, including a letter from Eastern Municipal Water District. He stated that the staff recommendation is to take no action and leave the existing project agreement and committee in place. Amendment would require agreement of all six boards, which is unlikely to happen without significant investment of time. The issues raised in Eastern's letter can be addressed almost entirely without amending the project agreement.

Larry McKenney provided a brief history of the approval of the original project agreement, Eastern's initiation of a discussion about amending the agreement to change committee members from general managers to directors, and how Eastern's proposed amendment to the agreement raised additional issues other than committee membership. This discussion was agendaized today because Commissioner Evans requested it at the last meeting.

Commissioner Sullivan commented that the object is to allow the general managers to meet about SARCCUP without it being a Brown Act meeting. He wants a smoother process for working on the project; the general managers are the technical experts, and Brown Act meetings can be cumbersome. He also wants to keep the project committee, separate from the Commission, to ensure that project funding is kept separate and distinct.

Celeste Cantú noted that these goals are being accomplished. Currently several member agencies are considering appointing directors to the project committee, and it appears likely that enough will do so that it will avoid Brown Act issues for the general managers in their own meetings. SAWPA already segregates project funding through its normal budgeting and accounting practices, but in any event, the recommendation is to retain the committee structure, so that issue will be addressed.

Larry McKenney addressed how each of the issues raised in Eastern's letter can be addressed without amending the existing agreement. Member agencies can appoint directors to the committee rather than general managers under the existing agreement. The existing agreement forms a committee, which will continue to exist. The existing agreement has clear language about accounting standards, and those provisions have not been proposed for amendment by any one. Eastern proposes that the committee appoint a technical advisory committee. McKenney advised that doing so would subject the advisory committee to Brown Act requirements, which he advised against, but that the power to appoint such a committee already exists in the agreement without amendment. Without such an appointed advisory committee, the general managers can already meet to work on SARCCUP, and once the general managers constitute less than a quorum of the project committee, they can do so without Brown Act requirements.

Commissioner Evans suggested that further discussing the project agreement was taking too much time and was distracting from the focus on getting SARCCUP done. He proposed the simple thing to do would be to have commissioners as the committee, post the agenda to have the committee meeting at the end of the commission meeting, and then the general managers are free to talk to anyone without all this formality.

John Rossi commented that the general managers believe they have a way to make this happen by going to their boards to change the committee representatives. He believes the member agencies can take care of it.

Commissioner Longville noted that Doug Headrick had approached her to suggest that she replace him on the committee, and the Valley board will be considering this matter.

Commissioner Hall said that IEUA is also considering appointing a director to replace Joe Grindstaff on the committee.

Larry McKenney added that, if the current process does not solve the Brown Act issue for the general managers, then staff will bring the matter back to the Commission.

The Commission took no action to approve the First Amended and Restated Project Agreement 23.

Commissioner Evans noted that there is a PA23 Committee meeting on March 23. It would be desirable for agencies considering changing their representatives to do so before that meeting so that action could be taken to change the committee meeting schedule to coincide with SAWPA Commission meeting days.

F. REQUEST TO CONNECT TO THE BRINE LINE – CITY OF BEAUMONT
(CM#2017.26)

Rich Haller provided PowerPoint presentation on the City of Beaumont's request to connect to the Brine Line. Haller noted approval from OCSD will be required, since the City of Beaumont lies outside the defined service area. Controlling the salt discharged by the City's wastewater treatment plant to Coopers Creek will benefit the watershed by improving water quality in the river. If approved by OCSD, the City would thereafter purchase pipeline and treatment/disposal capacity rights before connecting, and put in place a pretreatment program acceptable to OCSD and SAWPA. Estimated connection timeframe is 2020.

Commissioner Sullivan inquired as to cost and payment by the City of Beaumont. Consultant Brian P. Knoll, Albert A. Webb Associates was present in the audience and stated the City was evaluating rate structures which will change to accommodate capital and operating expenses of this non-discretionary program.

MOVED, endorse the City of Beaumont's request to connect to the Brine Line, and direct staff to request approval from OCSD in accordance with the 1996 Agreement.

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

G. NOMINATION OF MELODY A. McDONALD TO THE ACWA JPIA EXECUTIVE
COMMITTEE (CM#2017.25)

The San Bernardino Valley Water Conservation District (SBVWCD) nominated Melody A. McDonald to the ACWA JPIA Executive Committee; SBVWCD has requested the SAWPA Commission concur with that nomination. Commissioner Anthony recommended the Commission concur with the nomination, which was supported by Commissioner Sullivan and Chair Longville.

MOVED, adopt Resolution No. 2017-05 concurring in the nomination of Melody A. McDonald to the Executive Committee of the Association of California Water Agencies Joint Powers Insurance Authority (“ACWA JPIA”).

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

6. INFORMATIONAL REPORTS

The following oral/written reports/updates were received and filed.

A. CASH TRANSACTIONS REPORT – DECEMBER 2016

B. INTER-FUND BORROWING – DECEMBER 2016 (CM#2017.23)

C. PERFORMANCE INDICATORS/FINANCIAL REPORTING – DECEMBER 2016 (CM#2017.24)

D. SECOND QUARTER FYE 2017 EXPENSE REPORTS

- Staff
- General Manager

E. STATUS REPORT – 2017 OWOW CONFERENCE (May 25 | Ontario Convention Center)

John Fleck, author of *Water is for Fighting Over: And Other Myths about Water in the West*, has been invited to present the keynote address at the 2017 OWOW Conference. Should Fleck be unavailable, Brian Richter, author of *Chasing Water*, has also been invited.

F. GENERAL MANAGER’S REPORT

G. SAWPA GENERAL MANAGERS MEETING NOTES – FEBRUARY 14, 2017

H. STATE LEGISLATIVE REPORT

Larry McKenney provided an informational report on Proposition 218.

I. CHAIR’S COMMENTS/REPORT

There were no comments from the Chair.

J. COMMISSIONERS’ COMMENTS

There were no Commissioner comments.

K. COMMISSIONERS’ REQUEST FOR FUTURE AGENDA ITEMS

There were no Commissioner requests for future agenda items.

7. CLOSED SESSION

Larry McKenney noted the Commission would discuss Agenda Item No. 7.A., and that no action was anticipated. At 10:53 a.m., Chair Longville recessed the meeting to Closed Session. Designated personnel essential to the discussion of Agenda Item No. 7.A. were present during Closed Session.

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

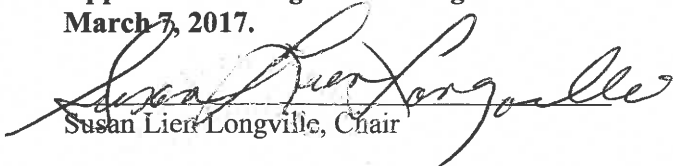
Name of Case: Spiniello Companies v. Charles King Company, Inc., Santa Ana Watershed Project Authority, The Ohio Casualty Insurance Company (Superior Court of Los Angeles BC616589)

Chair Longville resumed Open Session at 11:00 a.m. There was no reportable action.

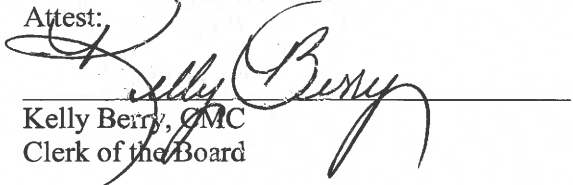
8. ADJOURNMENT

There being no further business for review, Chair Longville adjourned the meeting at 11:00 a.m.

**Approved at a Regular Meeting of the Santa Ana Watershed Project Authority Commission on Tuesday,
March 7, 2017.**


Susan Lier Longville, Chair

Attest:


Kelly Berry, OMC
Clerk of the Board