



S A W P A

SANTA ANA WATERSHED PROJECT AUTHORITY

11615 Sterling Avenue, Riverside, California 92503 • (951) 354-4220

REGULAR COMMISSION MEETING TUESDAY, DECEMBER 5, 2017 – 9:30 A.M.

AGENDA

1. CALL TO ORDER/PLEDGE OF ALLEGIANCE (Susan Lien Longville, Chair)

2. ROLL CALL

3. PUBLIC COMMENTS

Members of the public may address the Commission on items within the jurisdiction of the Commission; however, no action may be taken on an item not appearing on the agenda unless the action is otherwise authorized by Government Code §54954.2(b).

4. FAREWELL AND WELCOME

- Presentation of Resolution to Joseph Grindstaff, who is retiring as General Manager of the IEUA, concluding a career of public service spanning more than 40 years.
- Welcome Halla Razak, incoming General Manager of the IEUA.

5. CONSENT CALENDAR

All matters listed on the Consent Calendar are considered routine and non-controversial and will be acted upon by the Commission by one motion as listed below.

- A. APPROVAL OF MEETING MINUTES: NOVEMBER 21, 2017.....5
Recommendation: Approve as posted.

6. NEW BUSINESS

- A. DIRECTION REGARDING CLOSED SESSION POLICY (CM#2017.142)9
Presenter: Rich Haller
Recommendation: Receive information and provide direction to staff regarding adoption of a Closed Session Policy.

7. **INFORMATIONAL REPORTS**

Recommendation: Receive for information.

A. **CHAIR'S COMMENTS/REPORT**

B. **COMMISSIONERS' COMMENTS**

C. **COMMISSIONERS' REQUEST FOR FUTURE AGENDA ITEMS**

8. **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)

B. **PURSUANT TO GOVERNMENT CODE SECTION 54957.6 – CONFERENCE WITH LABOR NEGOTIATOR**

SAWPA Designated Representative: General Manager Richard E. Haller

Non-Represented Employees: All SAWPA employees

9. **ADJOURNMENT**

Americans with Disabilities Act: If you require any special disability related accommodations to participate in this meeting, please call (951) 354-4230 or email kberry@sawpa.org. Notification at least 48 hours prior to the meeting will enable staff to make reasonable arrangements to ensure accessibility for this meeting. Requests should specify the nature of the disability and the type of accommodation requested.

Materials related to an item on this agenda submitted to the Commission after distribution of the agenda packet are available for public inspection during normal business hours at the SAWPA office, 11615 Sterling Avenue, Riverside, and available at www.sawpa.org, subject to staff's ability to post documents prior to the meeting.

Declaration of Posting

I, Kelly Berry, Clerk of the Board of the Santa Ana Watershed Project Authority declare that on Thursday, November 30, 2017, a copy of this agenda has been uploaded to the SAWPA website at www.sawpa.org and posted in SAWPA's office at 11615 Sterling Avenue, Riverside, California.

/s/

Kelly Berry, CMC

2017 SAWPA Commission Meetings | Events

First and Third Tuesday of the Month; unless otherwise noticed,
 all Commission Workshops/Meetings begin at **9:30 a.m.** and are held at SAWPA.)

July 7/4/17 No Meeting (Independence Day) 7/18/17 Regular Commission Meeting 7/31/17 Special Commission Meeting	August 8/1/17 Commission Workshop 8/15/17 Regular Commission Meeting 8/17/17 Special Commission Meeting
September 9/5/17 Commission Workshop 9/7/17 Special Commission Meeting 9/19/17 Regular Commission Meeting	October 10/3/17 Commission Workshop 10/17/17 Regular Commission Meeting
November 11/7/17 Commission Workshop 11/21/17 Regular Commission Meeting 11/28 – 12/1 ACWA Fall Conference, Anaheim	December 12/5/17 Commission Workshop 12/19/17 Regular Commission Meeting

SAWPA Compensable Meetings – Other

Unless otherwise noted, all meetings are held at SAWPA.

Commissioners and Alternate Commissioners will receive compensation for attending the meetings listed below, pursuant to the Commission Compensation, Expense Reimbursement, and Ethics Training Policy.

IMPORTANT NOTE: These meetings are subject to change. Prior to attending any meeting listed below, please confirm meeting details by viewing the website calendar using the following link:

<http://www.sawpa.org/events/>

December 12/5/17 PA 23 Committee Mtg 8:30 a.m. 12/7/17 Homelessness and Water in SAR Watershed Symposium 8:00 a.m. 12/12/17 WUE Pillar Mtg 1:30 p.m. Western Municipal Water District 14205 Meridian Parkway, Riverside, CA 12/13/17 WR Optimization Pillar Mtg 9:00 a.m. 12/13/17 Land Use/Water Planning Pillar Mtg 1:00 p.m. 12/14/17 OWOW Pillar Integration Wkshp 1:00 p.m. 12/21/17 LESJWA Board Mtg 4:00 p.m. EVMWD 31315 Chaney Street Lake Elsinore, CA. 12/28/17 PA 22 Committee Mtg 8:00 a.m.	January 1/18/18 Basin Monitoring Program TF Mtg 1:00 p.m. Meeting Location TBD 1/22/18 OWOW Disadvantaged & Tribal Communities Pillar Mtg 2:00 p.m.
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2018 SAWPA Commission Meetings/Events

First and Third Tuesday of the Month

(NOTE: Unless otherwise noticed, all Commission Workshops/Meetings begin at **9:30 a.m.**, and are held at SAWPA.)

January 1/2/18 Commission Workshop 1/16/18 Regular Commission Meeting	February 2/6/18 Commission Workshop 2/20/18 Regular Commission Meeting
March 3/6/18 Commission Workshop 3/20/18 Regular Commission Meeting	April 4/3/18 Commission Workshop 4/17/18 Regular Commission Meeting
May 5/1/18 Commission Workshop 5/8 – 5/11/18 ACWA Spring Conference, Sacramento 5/15/18 Regular Commission Meeting	June 6/5/18 Commission Workshop 6/19/18 Regular Commission Meeting
July 7/3/18 Commission Workshop 7/17/18 Regular Commission Meeting	August 8/7/18 Commission Workshop 8/21/18 Regular Commission Meeting
September 9/4/18 Commission Workshop 9/18/18 Regular Commission Meeting	October 10/2/18 Commission Workshop 10/16/18 Regular Commission Meeting
November 11/6/18 Commission Workshop 11/20/18 Regular Commission Meeting 11/27 – 11/30/18 ACWA Fall Conference, San Diego	December 12/4/18 Commission Workshop 12/18/18 Regular Commission Meeting



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

COMMISSIONERS PRESENT

Susan Lien Longville, Chair, San Bernardino Valley Municipal Water District
Ronald W. Sullivan, Vice Chair, Eastern Municipal Water District
Kati Parker, Alternate, Inland Empire Utilities Agency
Philip L. Anthony, Orange County Water District
Thomas P. Evans, Western Municipal Water District

COMMISSIONERS ABSENT

Jasmin A. Hall, Secretary-Treasurer, Inland Empire Utilities Agency

**ALTERNATE COMMISSIONERS
PRESENT; NON-VOTING**

Gil Navarro, Alternate, San Bernardino Valley Municipal Water District
Bruce Whitaker, Alternate, Orange County Water District

STAFF PRESENT

Karen Williams, Larry McKenney, Mark Norton, Carlos Quintero, Regina Patterson

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 acting Clerk of the Board.

3. PUBLIC COMMENTS

There were no public comments.

4. CONSENT CALENDAR

A. APPROVAL OF MEETING MINUTES: NOVEMBER 7, 2017

B. TREASURER'S REPORT – OCTOBER 2017

MOVED, approve the Consent Calendar.

Result:	Adopted (Unanimously)
Motion/Second:	Anthony/Sullivan
Ayes:	Anthony, Evans, Longville, Parker, Sullivan
Nays:	None
Abstentions:	None
Absent:	None

5. **NEW BUSINESS**

A. **FISCAL YEAR 2016-17 REPORT ON AUDIT (2017.137)**

White Nelson Diehl Evans LLP managing partner Nitin Patel provided an oral presentation on the Comprehensive Annual Financial Report (CAFR) for the Fiscal Year Ended June 30, 2017, including the Report on Audit. An opinion was issued, the financial statements presented fairly in all material respects, the financial position of SAWPA and the respective changes in financial position and cash flows for the FYE June 30, 2017 are in accordance with generally accepted accounting principles.

Also issued was a report in accordance with *Government Auditing Standards* on their consideration of SAWPA's internal control over financial reporting and their tests of its compliance with certain provisions of laws, regulations, grant agreements, etc. There were no internal control deficiencies or internal weaknesses reported. Finally, relative to significant audit findings and quality aspects of accounting practices, there were no difficulties in performing the audit; key values and assumptions were evaluated and found to be reasonable.

MOVED, approve the Comprehensive Annual Financial Report (CAFR) for the Fiscal Year Ended June 30, 2017, which includes the Report on the Audit prepared by White Nelson Diehl Evans LLP, and:

1. Accept the CAFR, including the Report on Audit as prepared by White Nelson Diehl Evans;
2. Direct Staff to file the Report with the respective government agencies as required by law; and,
3. Direct staff to submit the CAFR, with any necessary changes, for the Certificate of Achievement for Excellence in Financial Reporting Award.

Result:	Adopted (Unanimously)
Motion/Second:	Sullivan/Anthony
Ayes:	Anthony, Evans, Longville, Parker, Sullivan
Nays:	None
Abstentions:	None
Absent:	None

B. **OWOW PLAN UPDATE 2018 STATUS (CM#2017.141)**

Mark Norton provided a PowerPoint presentation on the status of the OWOW Plan Update 2018, including a progress report on Pillar activities. An updated version of the OWOW Goals and Objectives, revised at the November 16, 2017 OWOW Steering Committee, was provided. Referring to the Pillar activities progress report, Commissioner Evans asked why "climate change response" and "data management & monitoring" were so far behind the others. Norton replied that while there have been delays, staff is working with them to progress forward. Relative to the introductory paragraph of the Goals and Objectives (the language was also reflected on the Vision slide of Norton's PowerPoint presentation), Commissioner Evans noted that the OWOW Steering Committee had requested staff change the wording "economic prosperity" to "quality of life." Commissioner Evans stated we should celebrate these Goals and Objectives and move forward. Norton emphasized the Goals and Objectives are not the project selection criteria for funding in the next round. Commissioner Evans recommended Larry McKenney provide the Commission with the same presentation given to the OWOW Steering Committee at the November 16 meeting.

Norton reported the U.S. Bureau of Reclamation has notified SAWPA there are extra funds available. They indicated they would look at the work accomplished under OWOW 2.0 for Climate Change Response and make sure it is in conformance with standards.

This presentation was for informational and discussion purposes; no action was taken on Agenda Item No. 5.B.

6. INFORMATIONAL REPORTS

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

- A. **INTER-FUND BORROWING – SEPTEMBER 2017 (CM#2017.138)**
- B. **PERFORMANCE INDICATORS/FINANCIAL REPORTING – SEPTEMBER 2017 (CM#2017.139)**
- C. **FIRST QUARTER FYE 2018 EXPENSE REPORTS**
- D. **BUDGET VS ACTUAL VARIANCE REPORT – FYE 2018 FIRST QUARTER – ENDING SEPTEMBER 30, 2017 (CM#2017.140)**
- E. **FINANCIAL REPORT FOR THE FIRST QUARTER ENDING SEPTEMBER 30, 2017**
- F. **GENERAL MANAGER’S REPORT**
- G. **SAWPA GENERAL MANAGERS MEETING NOTES – NOVEMBER 14, 2017**
- H. **STATE LEGISLATIVE REPORT**
- I. **CHAIR’S COMMENTS/REPORT**
There were no comments/reports from the Chair.
- J. **COMMISSIONERS’ COMMENTS**
There were no Commissioners’ comments.
- K. **COMMISSIONERS’ REQUEST FOR FUTURE AGENDA ITEMS**
There were no additional requests for future agenda items.

7. CLOSED SESSION

Chair Longville recessed the meeting to Closed Session at 10:11 a.m. 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 10:34 a.m. There was no reportable action.

8. **ADJOURNMENT**

There being no further business for review, Chair Longville adjourned the meeting at 10:34 a.m.

Approved at a Regular Meeting of the Santa Ana Watershed Project Authority Commission on Tuesday, December 5, 2017.

Susan Lien Longville, Chair

Attest:

Kelly Berry, CMC
Clerk of the Board

COMMISSION MEMORANDUM NO. 2017.142

DATE: December 5, 2017
TO: SAWPA Commission
SUBJECT: Direction Regarding Closed Session Policy
PREPARED BY: Rich Haller, General Manager

RECOMMENDATION

That the Commission receive information and provide direction to staff regarding adoption of a Closed Session Policy.

DISCUSSION

Pursuant to discussion at a previous Commission meeting regarding closed session attendance, staff will provide proposed language for a closed session policy, seek direction from the Commission, and bring the matter back for consideration at the December 19, 2017 meeting.

For your reference, attached is Resolution No. 434, which became effective January 1, 2005, and established a policy permitting Commissioners and Alternates to disclose closed session discussions and actions to their member agency's governing board and legal counsel under certain circumstances.

CRITICAL SUCCESS FACTORS

None identified for this function.

RESOURCE IMPACTS

None

Attachments:

1. Resolution No. 434

RESOLUTION NO. 434

RESOLUTION ESTABLISHING A POLICY PERMITTING
COMMISSIONERS AND ALTERNATES TO DISCLOSE
CLOSED SESSION DISCUSSIONS AND ACTIONS TO THEIR
MEMBER AGENCY'S GOVERNING BOARD AND LEGAL COUNSEL
UNDER CERTAIN CIRCUMSTANCES

WHEREAS, Assembly Bill 2782 ("AB 2782") has been signed into law amending the Ralph M. Brown Act ("Brown Act") to allow disclosure to the Santa Ana Watershed Project Authority's ("SAWPA") member agencies' legal counsel and governing boards of SAWPA's Closed Session discussions and actions under certain circumstances; and

WHEREAS, SAWPA has occasion to conduct closed session meetings in accordance with the Brown Act that may have a direct financial or liability implication for one or more of its member agencies; and

WHEREAS, advice, discussion, direction and general participation of the governing board of one or more of the SAWPA's member agencies may provide assistance to SAWPA concerning such SAWPA Closed Session Meetings and will improve communications between SAWPA and its member agencies on confidential matters that may affect such member agencies; and

WHEREAS, AB 2782 (Government Code, Sections 54954.5 and 54956.96) requires SAWPA, as a Joint Powers Authority, to adopt a specific policy permitting SAWPA's member agencies, upon advice of their respective legal counsel, to conduct a Closed Session in order to receive, discuss, and take action concerning information obtained in a SAWPA Closed Session meeting. This policy would also allow a member of the Commission to discuss the substance of any SAWPA Closed Session meeting with the member agency's legal counsel. However, such disclosures are permitted only where the SAWPA Closed Session involved matters posing a direct financial or liability implication for the member agency. Finally, this policy would recognize the permissibility of Commission alternates to attend SAWPA Closed Session meetings.


NOW, THEREFORE, the Commission hereby resolves to adopt the following policy:

1. Upon advice of a SAWPA member agency's legal counsel, that member agency's representatives on the SAWPA Commission may disclose to legal counsel and the member agency's governing board in a Closed Session the substance of any discussion and action taken in a SAWPA Closed Session meeting where the matters discussed have a direct financial or liability implication for that member agency.
2. Section 54956.96 of the Government Code makes explicit the authority to allow designated alternate members of the Commission to attend Closed Session meetings of the SAWPA Commission.

3. This policy shall not apply to any adversarial litigation, arbitration or mediation between SAWPA and one of its member agencies, and a member agency of SAWPA involved in such an adversarial action with SAWPA shall be precluded from participating in any SAWPA Closed Session involving such adversarial action.
4. This Resolution shall be effective January 1, 2005, consistent with the effective date of the above-referenced revisions to the Brown Act.

Approved and adopted this 12th day of October, 2004.

SANTA ANA WATERSHED PROJECT AUTHORITY

By  _____
S. R. Al Lopez, Chair