



**SAWPA COMMISSION  
REGULAR MEETING MINUTES  
SEPTEMBER 1, 2020**

**COMMISSIONERS PRESENT**

David J. Slawson, Chair, Eastern Municipal Water District  
Kati Parker, Vice Chair, Inland Empire Utilities Agency  
Kelly E. Rowe, Secretary-Treasurer, Orange County Water District  
Brenda Dennstedt, Western Municipal Water District  
T. Milford Harrison, San Bernardino Valley Municipal Water District

**COMMISSIONERS ABSENT**

None

**ALTERNATE COMMISSIONERS  
PRESENT; NON-VOTING**

June D. Hayes, Alternate, San Bernardino Valley Municipal Water District

**STAFF PRESENT**

Rich Haller, Karen Williams, Carlos Quintero, Mark Norton, David Ruhl,  
Dean Unger, Ian Achimore, Marie Jauregui, Sara Villa

**OTHERS PRESENT**

Andrew D. Turner, Lagerlof, LLP; Michael Boccadoro, West Coast  
Advisors; Beth Olhasso, West Coast Advisors; Richard Meyerhoff, GEI  
Consultants; Ryan Kearns, CWE; Larry McKenney

The Regular Commission meeting of the Santa Ana Watershed Project Authority was called to order at 9:30 a.m. by Chair Slawson on behalf of the Santa Ana Watershed Project Authority, 11615 Sterling Avenue, Riverside, California. The record will reflect this meeting was conducted virtually.

**1. CALL TO ORDER/PLEDGE OF ALLEGIANCE**

Pursuant to the provisions of Executive Order N-25-30 issued by Governor Gavin Newsom on March 12, 2020, and Executive Order N-29-20 issued by Governor Gavin Newsom on March 17, 2020, any Commission member may call into the Commission meeting without otherwise complying with the Brown Act's teleconferencing requirements. In concert with state and local efforts to prevent the spread of COVID-19, and until further notice, the Santa Ana Watershed Project Authority will be holding all Board and Committee meetings by teleconference and virtually through the Zoom app.

As set forth on the posted meeting agenda, this Commission meeting was accessible to the public by teleconference and through Zoom. Members of the public who were unable to participate by teleconference or virtually were invited to submit comments and questions in writing via email for the Commission's consideration. All votes taken during this meeting were conducted via oral roll call.

**2. ROLL CALL**

An oral roll call was duly noted and recorded by the acting Clerk of the Board.

**3. PUBLIC COMMENTS**

Larry McKenney addressed the SAWPA Commission regarding his claim against SAWPA and expressed his concerns regarding the process. Chair Slawson noted he will coordinate with Rich Haller to obtain an update on this matter.

**4. ITEMS TO BE ADDED OR DELETED**

There were no added or deleted items.

## 5. CONSENT CALENDAR

### A. APPROVAL OF MEETING MINUTES: JULY 21, 2020

Recommendation: Approve as posted.

### B. TREASURER'S REPORT – JUNE 2020

Recommendation: Approve as posted.

### C. TREASURER'S REPORT – JULY 2020

Recommendation: Approve as posted.

**MOVED**, approve the Consent Calendar.

Result:	<b>Adopted by Roll Call Vote (Unanimously)</b>
Motion/Second:	Dennstedt/Rowe
Ayes:	Dennstedt, Harrison, Parker, Rowe, Slawson
Nays:	None
Abstentions:	None
Absent:	None

## 6. WORKSHOP DISCUSSION AGENDA

### A. LEGISLATIVE REPORT

Michael Boccadoro and Beth Olhasso of West Coast Advisors provided a PowerPoint presentation overview of the Legislative Report and Water Supply Update. It is very dry right now, though the state water project storage facilities are satisfactory. Lake Oroville is at 72% of average and San Luis Reservoir is at 104% of average. The surface water supplies remain constrained and moving water through the delta continues to be difficult. New information was received regarding the financing with the Delta Conveyance Authority, and the next steps include having permitting completed by 2024. The Final Water Resilience Portfolio has been released and it includes over 120 different recommendations. Those relevant to SAWPA include: to achieve reliable access to safe and affordable drinking water; drive greater water use efficiency in all sectors; make funding available for groundwater recharge and storage projects; and, support cities and counties on stormwater capture and reuse.

The legislature concluded their regular legislative session last August 31<sup>st</sup>, and it was significantly impacted by COVID-19. The timing and the volume of the legislature decreased, and the governor and legislature leadership directed members to focus on economic recovery, pandemic relief, housing, and wildfires. Members have significantly decreased their bill packages, and some ended up with no bills. Olhasso referenced the PowerPoint and provided a recap on the proposed 2020 Climate Bonds that were tabled due to the lack of resources and the debt deficits. There will not be a general election ballot until the gubernatorial election in 2022, so there will not be a bond discussion come 2021. Boccadoro noted that the new legislature will be sworn in December 2020, and there is some discussion that there will be a special legislative session called between now and November. The major water issues for 2021 are the Bay-Delta flows/water reliability, affordability/rising energy and compliance costs, water quality (PFOA/PFOS), protection of property taxes/reserves, elimination of ocean discharge, and the conveyance/delta tunnel. There is also a Los Angeles Waterkeeper lawsuit over ocean discharge of partially treated wastewater. Rich Haller informed the Commissioners that he will distribute the press release to everyone, and he appreciates West Coast Advisors engagement.

Information was provided regarding the following specific legislation:

- SB 414 (Eastern Municipal Small System Water Authority Act) has been held in the Assembly Appropriations Committee. Every bill that has above \$150,000 price tag to the state goes to the Appropriations Committee and gets put in a "suspense file", so that members can look at the total price tag of legislation that they are pushing to the state. It did not get a no vote (fail), it

just did not get a vote to move on. Commissioner Rowe raised concern that SB 414 is an important disadvantaged community effort to a lot of the small water districts and the state's help is needed.

- AB 2560 (Orange County Water District in congruence with the California Municipal Utilities Association), to establish a more transparent procedure of notifications and response levels at the State Water Resource Control Board; the bill is on the Governor's desk awaiting signature. Olhasso noted that with Rich Haller's approval, a letter will be sent to the governor on behalf of SAWPA in support of the legislation.
- AB 3030 is a bill that would require the state to conserve 30% of the state's lands and water by 2030; there was a lot of opposition from the water community and it was placed in the Appropriations Committee.
- AB 1672 is a bill on product labeling for flushable wipes to address the significant problem of non-flushable wipes clogging sewers. AB 1672 bill was also placed in the Appropriations Committee.

This item was for informational and discussion purposes; no action was taken on Agenda Item No. 6.A.

## 7. NEW BUSINESS

### A. 2019 SANTA ANA RIVER WATERSHED SUSTAINABILITY ASSESSMENT (CM#2020.55)

**[This item is subject to the provisions of Project Agreement 25]**

Ian Achimore provided a PowerPoint presentation contained in the agenda packet on pages 25 - 47. The Santa Ana River Watershed Sustainability Assessment (Assessment) was developed to provide feedback to decision-makers and stakeholders of the One Water One Watershed (OWOW) Plan regarding how the six (6) plan goals are being achieved across the watershed. These goals include: (1) Achieve resilient water resources through innovation and optimization, (2) Ensure high-quality water for all people and the environment, (3) Preserve and enhance recreational areas, open space, habitat, and natural hydrologic function, (4) Engage with members of disadvantaged communities to diminish environmental injustices, (5) Educate and build trust between people and organizations, and, (6) Improve data integration, tracking, and reporting to strengthen decision-making. The Assessment tracks all six (6) goals with an indicator rating system that was adopted by the Commission in February 2019. Achimore referenced the PowerPoint and provided the data results for the twelve indicators outlined. Overall, the watershed is doing very well in meeting its goals, although more data is needed on the Disadvantaged Communities related measures. New data will be available through 2020-21 high-resolution aerial imagery and updates to the State's CalEnviroScreen database. Updates of this Assessment are very important as this will document changes over time, especially between wet and dry years. Going forward, SAWPA will update the Assessment every three-to-five years so changes over time can be monitored.

**MOVED**, adopt the 2019 Santa Ana River Watershed Sustainability Assessment.

Result:	<b>Adopted by Roll Call Vote (Unanimously)</b>
Motion/Second:	Rowe/Parker
Ayes:	Dennstedt, Harrison, Parker, Rowe, Slawson
Nays:	None
Abstentions:	None
Absent:	None

**B. ASSESSING HOMELESSNESS IMPACT ON WATER QUALITY, RIPARIAN AND AQUATIC HABITAT IN UPPER SANTA ANA RIVER WATERSHED | TASK 2 REPORT (CM#2020.56)**

**[This item is subject to the provisions of Project Agreement 25]**

Mark Norton introduced Richard Meyerhoff/GEI Consultants and Ryan Kearns/CWE. Ryan Kearns provided a PowerPoint presentation contained in the agenda packet on pages 59 - 82. Through a scoping effort with SAWPA member agency staff and release of a Request for Proposals (RFP), GEI Consultants was hired to undertake the development of a monitoring program which would include a detailed assessment of the homeless encampment impacts to water quality and riparian habitat in the upper Santa Ana River Watershed as well as any ongoing data collected from the pathogen TMDLs in the watershed. The study is now complete and GEI Consultants recommended a monitoring program which could be implemented in phases. Three (3) monitoring locations were selected: Market Street Bridge, Mission Boulevard Bridge, and Van Buren Boulevard Bridge. These locations were selected due to permanent overhead structure and easy access to collect monitoring samples. The preliminary monitoring programs consists of preliminary field visits, dry weather events, rapid trash assessment, wet weather events, annual physical habitat and bioassessments, and annual reporting. The program will be implemented in three (3) years to include ten (10) dry weather events, twenty (20) wet weather events, and three (3) physical habitat and bioassessments. The preliminary program budget is \$846,500, with an Alternative Option Phase IA for \$88,800 or Alternate Option Phase 1B for \$181,700. At the request of Commissioner Parker, Kearns clarified they will be conducting a population estimate every January with the Riverside County point-in-time count and it is a single year approach.

Commissioner Dennstedt raised concerns on the nexus of benefits to the Western customers – how does this get incorporated into Western’s mission, what is the result/goal, and what are we trying to achieve? Norton noted that this is a voluntary program and it is not a mandate. We know there is an impact, we know that homeless encampments no doubt have a negative impact on water quality and habitat, but how much in comparison to other contributions, particularly because of water quality regulations. The Regional Board is intensely interested; in fact, they passed a resolution to recognize and address the issue. SAWPA staff approached them to determine if they would be willing to potentially fund the monitoring program; they are investigating funding sources. The Regional Board and the state overall have shown an increase of desire to address homelessness issues, but also recognizing that they have an impact on the habitat and water quality. SAWPA staff presented the study to the member agency general managers and requested feedback. Their suggestion was perhaps to start with the alternate option Phase 1A approach and see if there is momentum behind this and maybe receive contributing funds from other agencies, such as the flood control agencies as well as the Regional Board. Commissioner Dennstedt noted that the public is going to look at this and say, “Well, of course the homeless on the river has an impact – what are you doing to solve the problem?” Riverside County Flood Control should be addressing the trash and illegal dumping concerns along with code enforcement. It’s really an evolving problem that does not have a solution at this point. Commissioner Dennstedt stated she does not feel comfortable committing funds from her agency with no explanation of the direct benefit to Western’s customers.

Chair Slawson stated that one of the values is quantifying the impact – is it any more significant or insignificant in comparison to those recreating or in terms of the water quality impact compared to the number of homes that are on septic and high groundwater areas in San Bernardino?

Commissioner Harrison suggested this monitoring program would be ideal for Proposition 1, Round 2. Norton noted that this could be set up as a pilot scale project that could be included and funded fully by the grant, but will require a 50% local match, though the monitoring programs and sampling programs are typically not viewed as implementation projects. Commissioner Parker stated it is important to

determine the homelessness impact to the Santa Ana River, and was supportive of spending \$88,000 to determine what impact they have and should the water community be funding efforts to relocate homeless from the Santa Ana River. Commissioner Rowe noted that there may already be a program in place and the study would be unnecessary; he was not in favor of committing too much money.

Commissioner Harrison made a revised motion to continue taking any action on this item for two months in order to receive input from other involved agencies regarding potential funding sources and provide time for discussion with member agency general managers.

**MOVED**, (1) Receive and file this status report regarding the Task 2 Report for Assessing Homelessness Impact on Water Quality, Riparian and Aquatic Habitat in Upper Santa Ana River Watershed as prepared by GEI Consultants; and (2) Continue this item for two (2) months in order to receive input from other involved agencies regarding potential funding sources and provide time for discussion with member agency general managers.

Result:	<b>Adopted by Roll Call Vote (Unanimously)</b>
Motion/Second:	Harrison/Parker
Ayes:	Dennstedt, Harrison, Parker, Rowe, Slawson
Nays:	None
Abstentions:	None
Absent:	None

**C. ACCOMPLISHMENTS 2020 | GOALS 2021**

Rich Haller provided a verbal update on SAWPA's accomplishments and goals for FY 2020-21. A list of accomplishments and goals structured by three (3) business lines of the Inland Empire Brine Line, OWOW and Task Forces will be presented at the next meeting to provide an opportunity for any input on the successes of SAWPA.

This item was for informational and discussion purposes; no action was taken on Agenda Item No. 7.C.

**8. INFORMATIONAL REPORTS**

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

**A. CASH TRANSACTIONS REPORT – JUNE 2020**

**B. INTER-FUND BORROWING – JUNE 2020 (CM#2020.54)**

**C. PERFORMANCE INDICATORS/FINANCIAL REPORTING – JUNE 2020 (CM#2020.53)**

**D. GENERAL MANAGER REPORT – AUGUST 2020**

**E. STATE LEGISLATIVE REPORT**

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

There were no comments/reports from the Chair.

**G. COMMISSIONERS' COMMENTS**

There were no Commissioner comments.

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

Commissioner Dennstedt requested that, in light of the communication received during Public Comments, the next meeting agenda include an open/closed session regarding information received relative to the claim filed with SAWPA. This would include a report on the issue of Special Counsel, the cost, the time spent, who was retained and when, and the budget impacts. Rich Haller noted that those items will be provided in detail. Chair Slawson asked legal counsel Andrew Turner, Lagerlof, LLP, if it is appropriate to discuss special counsel cost in closed session as it relates to the specifics of

the case? Andrew Turner noted he would investigate it because the outside counsel has been retained by the insurance company. Rich Haller noted that the meeting agenda will include both an open and closed session item.

**9. CLOSED SESSION**

There was no Closed Session.

**10. ADJOURNMENT**

There being no further business for review, Chair Slawson adjourned the meeting at 11:52 a.m.

**Approved at a Regular Meeting of the Santa Ana Watershed Project Authority Commission on Tuesday, September 15, 2020.**



David J. Slawson, Chair

Attest:



Kelley Berry, CMC  
Clerk of the Board