

MINUTES  
OF THE  
REGULAR COMMISSION MEETING  
OF THE  
SANTA ANA WATERSHED PROJECT AUTHORITY

APRIL 21, 2009

COMMISSION MEMBERS PRESENT

Phil Anthony, Acting Chair  
Don Galleano  
John L. Anderson  
George Aguilar  
Ron Sullivan

REPRESENTING

Orange County Water District  
Western Municipal Water District  
Inland Empire Utilities Agency  
San Bernardino Valley Municipal Water District  
Eastern Municipal Water District

OTHERS PRESENT

Maria Elena Kennedy  
Tom Evans  
Mark Bulot  
Phil Rosentrater  
Martha Davis  
Randy Van Gelder  
Michael Markus  
John Rossi  
Celeste Cantú  
David Wysocki  
Rich Haller  
Mark Norton  
Karen Williams  
David Ruhl  
Carlos Quintero  
Jeff Beehler  
Rick Whetsel  
Patti Bonawitz

Maria Elena Kennedy  
Western Municipal Water District  
San Bernardino Valley Municipal Water District  
Western Municipal Water District  
Inland Empire Utilities Agency  
San Bernardino Valley Municipal Water District  
Orange County Water District  
Western Municipal Water District  
SAWPA General Manager  
SAWPA Legal Counsel  
SAWPA Ex. Mgr. of Engr. & Operations  
SAWPA Water Resources & Planning Mgr.  
SAWPA Chief Financial Officer  
SAWPA Senior Program Manager  
SAWPA Project Manager  
SAWPA Senior Environmental Project Mgr.  
SAWPA Watershed Planner  
SAWPA Recording Secretary

The Regular Commission Meeting of the Santa Ana Watershed Project Authority was called to order at 9:37 a.m. by Acting Chair Anthony at the Santa Ana Watershed Project Authority Office, 11615 Sterling Avenue, Riverside, CA 92503. Chair Anthony called for a roll call vote. A roll call vote was taken: Orange County Water District (Phil Anthony); Western Municipal Water District (Don Galleano); Inland Empire Utilities Agency (John Anderson); Eastern Municipal Water District (Ron Sullivan); and San Bernardino Valley Municipal Water District (George Aguilar) were noted as present for a quorum. Commissioner Galleano led the flag salute.

Legal Counsel David Wysocki requested adding a Closed Session agenda item, SAWPA vs. Keeton, RIC 471792, in which immediate direction is needed, which arose after the posting of the agenda, pursuant to Government Code Section 5495b.9.

Upon motion by Commissioner Galleano, seconded by Commissioner Aguilar, the motion unanimously carried:

**09-04-01**

**MOVED**, approval to add an item to the Closed Session agenda, in which immediate direction is needed and arose after the posting of the agenda, pursuant to Government Code Section 5495b.9 in the matter of SAWPA vs. Keeton, RIC 471792.

Members of the public were invited to address the Committee on matters within its jurisdiction. Hearing none, Chair Anthony presented Agenda Item No. 3, Old Business.

**OLD BUSINESS**

**FYE 2010 AND 2011 BUDGET (CM#8105)**

Karen Williams provided a brief PowerPoint presentation regarding the Budget and requested that the Commission adopt the FYE 2010/2011 Budget as presented.

Upon motion by Commissioner Anderson, seconded by Commissioner Sullivan, the motion unanimously carried:

**09-04-02**

**MOVED**, approval and adopted the FYE 2010 and FYE 2011 Budget as presented and requested that each member agency:

- Notice the consideration of the FYE 2010/11 SAWPA Budget on their next Board of Directors Meeting agenda; and
- Approve by Board resolution (pursuant to the Joint Powers Authority Agreement) the FYE 2010/11 SAWPA Budget.

**NEW BUSINESS**

**CONDUCT A PUBLIC HEARING AND CONSIDER APPROVAL OF THE SARI SANITARY SEWER MANAGEMENT PLAN (CM#8117)**

Carlos Quintero provided a staff summary of the management plan, which is required as part of the State Water Board's Order No. 2006-003, Statewide General Waste Discharge requirements for Sanitary Sewer Systems (DWR). Infrastructure Engineering Corporation has prepared the Sanitary Sewer Management Plan according to the waste discharge requirements. The WDR requires that the Commission conduct a public hearing. Chair Anthony questioned staff whether or not there were any controversial activities; staff replied no. Then he opened the public hearing at 9:38 a.m.; receiving no public comments, Chair Anthony closed the public hearing at 9:38 a.m.

Upon motion by Commissioner Galleano, seconded by Commissioner Sullivan, the motion unanimously carried:

**09-04-03**

**MOVED**, approval of the completed SARI Sewer System Management Plan.

**ONE WATER ONE WATERSHED**

Celeste Cantá announced that the Newport Bay Executive Committee voted to join the OWOW Process. Chair Anthony stated that was good news. He also requested that in the future, staff refer to "One Water One Watershed" by the use of the initials, "OWOW". Discussion briefly ensued regarding the Joint Newport Bay Executive and Steering Committees meeting and the issues to yet be resolved (i.e., the number of Steering Committee members reduced to nine, or have an odd number such as 11; SAWPA to have one representative instead of two).

**GOVERNANCE (CM#8113)**

Discussion briefly ensued regarding the proposed amendments by the Newport Bay Watershed Executive Committee to the OWOW Governance Document. It was determined that the Steering Committee would need to review and then it would come back to the SAWPA Commission for ratification.

**GOVERNANCE (CM#8122)**

Discussion briefly ensued regarding continuance of the three existing Steering Committee members who are willing to serve, yet they currently are not serving in their originally appointed capacity. Commissioner Aguilar inquired how IEUA's Board felt about Wyatt Troxel continuing to serve on the Steering Committee. Commissioner Anderson stated that IEUA had no problem with Wyatt Troxel continuing in this role.

Upon motion by Commissioner Sullivan, seconded by Commissioner Aguilar, the motion unanimously carried:

**09-04-04**

**MOVED**, approval and ratified the following three members of the Steering Committee to serve out the balance of their two-year term: Ron Sullivan representing SAWPA; Wyatt Troxel representing SAWPA; and Beth Krom representing a large city in Orange County (Irvine).

**DRAFT OWOW PLAN STATUS UPDATE**

The Draft Plan comment period has closed. Comments received currently are under consideration, and a public hearing will be set to consider the changes after both the Pillars/Steering Committees meet to review comments. The report was received and filed.

**CALIFORNIA DEPARTMENT OF WATER RESOURCES PROPOSITION 84 INTEGRATED REGIONAL WATER MANAGEMENT PROGRAM – REGION ACCEPTANCE PROCESS (CM#8112)**

Mark Norton provided a brief overview the RAP process, noting that the April 29<sup>th</sup> deadline was fast approaching. However, SAWPA is ready with its submittal application and staff anticipates submitting one application from this region. The voluminous package will include everything requested on the four-page guidelines about the regional water management group such as: Represents over 4,000 stakeholders; community outreach efforts; public input processes; governance of SAWPA; 15 maps; history of SAWPA and its roundtable efforts; our understanding of the watershed; relationship with integrated watershed groups; and a list of people for the RAP interview (Jeff Beehler, Mark Norton, and Commissioner Ron Sullivan). Resolutions of Support also will be attached to SAWPA’s submittal package. Chair Anthony requested that staff bring a copy for the Commission to view at their next meeting.

**DWR REVISED TIMEFRAME: PROPOSITION 84, CHAPTER 2 FUNDING**

Celeste Cantú stated that the timeframes have been revised; but, the big question is funding. Will the initiatives pass? Probably not; and if not, with our State’s deficit, funding could be off for at least another year or so. The good news is that SAWPA is on the exemption list for Proposition 50, and we are hoping that funding comes soon. It was the consensus of the Commission to receive and file staff’s report.

**MIDDLE SANTA ANA RIVER TMDL GRANT PROJECT – ADOPTION OF RESOLUTION NO. 512 (CM#8115)**

Rick Whetsel noted that this resolution is for the Middle Santa Ana River TMDL grant project under the American Reinvestment Recovery Act to fund the completion of the Proposition 40 projects that were suspended last summer due to the budget crisis.

Upon motion by Commissioner Galleano, seconded by Commissioner Aguilar, the motion unanimously carried:

**09-04-05**

**MOVED**, adoption of Resolution No. 512, authorizing SAWPA to enter into a Financial Assistance Agreement with the State Water Board and designating the General Manager to sign the agreement and any amendments.

**RESOLUTION NO. 512**

**A RESOLUTION OF THE COMMISSION OF THE SANTA ANA WATERSHED PROJECT AUTHORITY AUTHORIZING ENTERING INTO A FINANCIAL ASSISTANCE AGREEMENT WITH THE STATE WATER RESOURCES CONTROL BOARD, AND DESIGNATING THE GENERAL MANAGER TO SIGN THE FINANCIAL ASSISTANCE AGREEMENT AND ANY AMENDMENTS THERETO. (For full text, see Resolution Book).**

**EMERGING CONSTITUENTS WORKGROUP, PHASE II (CM#8116)**

Mark Norton briefly noted that this second phase of work efforts is to develop an investigative plan for the Water Board’s approval. The investigative plan will include distribution toxicity, and other sampling and protocols. The Workgroup recommended utilizing the existing consultant (Risk Sciences) to perform the work.

Upon motion by Commissioner Aguilar, seconded by Commissioner Sullivan, the motion unanimously carried:

**09-04-06**

**MOVED**, approval of Task Order No. RISK392-01 with Risk Sciences to conduct the Emerging Constituents Workgroup - Phase II Investigative Study, for an amount not-to-exceed \$60,000.

**LEGISLATIVE UPDATE (CM#8121)**

Celeste Cantú reviewed key legislation. It was the consensus of the Commission to take each legislative position separately.

- AB 1100 (Duvall) - Potable reuse demonstration water, which is a potable use demonstration project sponsored by OCWD to permit bottling of their GWR System water for education purposes.

Upon motion by Commissioner Sullivan, seconded by Commissioner Galleano, the motion unanimously carried:

**09-04-07**

**MOVED**, approval to take the position of support for AB 1100 (Duvall) – Potable reuse demonstration water, which is a potable use demonstration project sponsored by OCWD to permit bottling of their GWR System water for education purposes.

After briefly discussing the other key legislation, the Commission concurred to make one motion for the following legislation:

- SB 310 (Ducheny) - Water quality: stormwater and other runoff A California Major Builders Council, California Building Industry Association - sponsored measure pertaining to stormwater plans and related stormwater management funding mechanisms.
- SB 1366 (Feuer) - Residential Self-Regenerating Water Softeners (IEUA's legislation).
- SB 261 (Dutton/Ducheny) - Comprehensive Urban Water Efficiency Act of 2009. WMWD Phil Rosentrater addressed the Commission. He noted that this has been a tremendous effort by all and it is very difficult to comply with prescriptive solutions. With complicated water rights, some water sectors are treated unfairly. Industrial needs to have their own voice and have something better. SB 261 puts forward a crafted response and gives credit for the kinds of investments that we already are doing – to protect our water supply, rain and stormwater recapture, recycling etc.
- AB 28, as amended (Jeffries) - Natural Gas Engines: *Water Movement: Emissions Limitation Requirements*. Commissioner Evans suggested that staff contact Mayor Ron Loveridge, who sits on the AQMD Board.
- AB 49, as amended (Feuer) – Water Conservation: *Agricultural Water Management Planning*. Maybe mesh with SB 261. ACWA has opposed it.
- AB 55, as introduced (Jeffries) - Water Supply Planning. Bill is on hold.
- SB 12 (Simitian) - Sacramento San Joaquin River Delta Watch - To oversee the Delta.
- SB 229 (Pavley) - California Water Commission: Bay Delta Watch - Remakes the California Water Commission.
- SB 457 (Wolk) - Sacramento San Joaquin Delta Watch.
- AB 900 (De Leon) - Water Diversion: *Statements of Water Diversion and Use* – requires reporting diversions, makes penalties.

Upon motion by Commissioner Galleano, seconded by Commissioner Sullivan, the motion unanimously carried:

**09-04-08**

**MOVED**, approval of the following legislative positions:

<b>Bill/Author</b>	<b>Regarding</b>	<b>Position</b>
SB 310 Ducheny)	Water quality: Stormwater and Other Runoff	Support
SB 1366 (Feuer)	Residential Self-Regenerating Water Softeners	Support
SB 261 Dutton/Ducheny	Comprehensive Urban Water Efficiency Act of 2009	Support
AB 28, as amended (Jeffries)	Natural Gas Engines: Water Movement: Emissions Limitation Requirements	Support
AB 49, as amended (Feuer)	Conservation: Agricultural Water Management Planning	Watch
AB 55, (Jeffries)	Water Supply Planning	---
SB 12 (Simitian)	Sacramento San Joaquin River Delta	Watch
SB 229 (Pavley)	California Water Commission: Bay Delta	Watch
SB 457 (Wolk)	Sacramento San Joaquin Delta	Watch
AB 900 (De Leon)	Water Diversion: Statements of Water Diversion and Use	Support

**REFORMING CALIFORNIA WATER POLICY (CM#8118)**

California water policy has not been reformed in over fifty years. The PPIC would like to redefine a new water policy for California for the next century. They are looking for financial support for two steps: academic and implementation. Celeste Cantú reported that the Governor is in support of this, and believes this effort could revolutionize how we think about water. The effort has a short timeframe of 18 months. Discussion ensued regarding funding and that they don't want money directly from water districts. SAWPA is somewhat removed, and that is why they approached us to participate. Discussion further ensued regarding the importance of participating in this effort and obtaining funding from each of the five member agencies with SAWPA writing the check, pending approval by the five member agencies' boards of directors.

Upon motion by Commissioner Sullivan, seconded by Commissioner Anderson, the motion unanimously carried:

**09-04-09**

**MOVED**, approval to participate in reforming California Water Policy in the amount of \$25,000 this fiscal year; and \$25,000 next fiscal year; pending approval by the member agencies' boards of directors.

**QUAIL VALLEY WATER QUALITY IMPROVEMENT PROJECT (CM#8120)**

EMWD approached SAWPA staff to prepare a scope of work to develop a strategy to fund improvements to water quality within the Quail Valley area. Quail Valley is within the recently incorporated city of Menifee. It has water-quality problems related to rising groundwater and the use of septic systems within high-density development. Along with Elsinore Valley MWD, EMWD has completed preliminary studies to provide sanitary sewer service to the area. This project will be funded by a stakeholder group consisting of local water districts and other local governmental entities. EMWD will collect the funds for this effort. reported Jeff Beehler.

Upon motion by Commissioner Sullivan, seconded by Commissioner Aguilar, the motion unanimously carried:

**09-04-10**

**MOVED**, approval to enter into an agreement with EMWD to assist in community outreach and financial feasibility analysis of sewerage septic in Quail Valley for \$40,000 for services.

### **RFP FOR AUDIT SERVICES (CM#8111)**

Thirteen companies were sent an RFP for audit services, in which four responded. The lowest bidder is our current auditor for the past three years. The GOFA recommends at least five years, and then go out to bid for a new auditor. The next lowest bidder is Charles Fedak & Company. Karen Williams sought direction from the Commission. After some discussion, it was the consensus to ask the current auditor to go for a two-year contract.

Upon motion by Commissioner Aguilar, seconded by Commissioner Sullivan, the motion unanimously carried:

**09-04-11**

**MOVED**, approval to award a contract for audit services for FYE 2009, 2010 to the lowest bidder, Teaman, Ramirez and Smith, Inc. for a two-year agreement.

### **ADOPTION OF RESOLUTION NO. 511, AMENDING THE 457 RETIREMENT PLAN TO ALLOW LOANS (CM#8109)**

SAWPA's 457 retirement plan does not contain loan provisions (i.e., college for children). Karen Williams reported that this option does not require a lot of staff time and is a nice benefit for the employees.

Upon motion by Commissioner Galleano, seconded by Commissioner Sullivan, the motion unanimously carried:

**09-04-12**

**MOVED**, adoption of Resolution No. 511, amending the 457 Retirement Plan to permit loans, approved the Loan Guidelines Agreement, and authorized the Chief Financial Officer to execute said document.

#### **RESOLUTION NO. 511**

**A RESOLUTION OF THE COMMISSION OF THE SANTA ANA WATERSHED PROJECT AUTHORITY AUTHORIZING AN AMENDMENT TO SAWPA'S 457 RETIREMENT PLAN TO PERMIT LOANS** (for full text, see Resolution Book).

### **INFORMATIONAL REPORTS**

The Commission received and filed the following oral/written reports/updates:

- A. Performance Indicators and Financial Reporting – February 2009 (CM#8110)
- B. Cash Transactions Report – February 2009 (CM#8119)
- C. Interfund Borrowing (CM#8114)
- D. General Manager's Report
  - o Celeste Cantú attended the Climate Change Team Scripps Science Summit on April 20, 2009.
  - o Due to the May ACWA Conference, the next Commission meeting would be May 12, 2009.
  - o SAWPA's grass has been removed out front. She presented a schematic of the new demonstration garden noting its five sections. IEUA Commissioner John Anderson has set the bar high as he has secured donations of wood chips and topsoil for the SAWPA garden. We still need decomposed granite and are looking for plant donations. John Anderson is to assist in helping us find boy scouts to help with the planting.
  - o She reminded folks of Pete Silva's Celebration Party on May 9<sup>th</sup> at her home.

Discussion briefly ensued regarding various announcements among the member agencies. Commissioner Anderson announced that IEUA is having a dedication for its Biosolids Facility on May 8<sup>th</sup> 10 a.m. at Etiwanda and 7<sup>th</sup> Streets and invited all to attend. Chair Anthony encouraged folks to drop by OCWD's Children's Festival at the Nixon Library in Orange County on April 28-29, 2009, from 9:00 a.m.- 4:00 p.m.; WMWD General Manager John Rossi invited all to attend their Earth Night in the Garden on April 22<sup>nd</sup> from 4:00 – 8:00 p.m. Also, Commissioner Anderson invited folks to attend their 2<sup>nd</sup> Annual Earth Day in Chino Creek Wetlands on April 22<sup>nd</sup> from 3:00 -5:30 p.m. There will be a Legacy Oak Dedication to him at 4 p.m.

Chair Anthony suggested that SAWPA should be the clearinghouse for such events and announcements like this. It would be good for all of us to know about the other member agencies' events and SAWPA could serve as the funnel of event announcements throughout our region.

- E. Chair's Comments/Report
- F. Committee Chairs' Reports
- G. Commissioners' Comments

**CONSENT CALENDAR**

Upon motion by Commissioner Anderson, seconded by Commissioner Sullivan, the motion unanimously carried:

**09-04-13**

**MOVED**, approval of the Consent Calendar.

- A. The Commission approved the Minutes from the Meetings held 3-17-09 and 4-7-09.
- B. The Commission received and filed the Treasurer's Report for March 2009.

**CLOSED SESSION**

Legal Counsel David Wysocki announced at 10:39 a.m., that he was waiting for Special Counsel David Winters in the matter of SAWPA vs. Keeton case, RIC 471792. It was the consensus of the Commission that David Wysocki should conduct the Closed Session. The Commission convened into Closed Session at 10:41 a.m. The Commission reconvened into Open Session at 10:52 a.m. Legal Counsel David Wysocki announced that upon motion by Commissioner Sullivan, seconded by Commissioner Anderson and Chair Anthony and unanimously voted to give direction to Legal Counsel to pursue the litigation.


Upon motion by Commissioner Sullivan, seconded by Commissioner Anderson the motion unanimously carried:

**09-04-14**

**MOVED**, approval to adjourn the meeting to May 12, 2009, at 9:30 a.m.

There being no further business for review, the meeting adjourned at 10:57 a.m.

**APPROVED:**  
**May 12, 2009**

  
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Terry Catlin, Chair