Operations Committee Meeting - September 2, 2020

1. Agenda Packet
   Documents:
   
   200902 AGENDA PACKET - POSTED 200828.PDF

2. Related Agenda Items
   Documents:
   
   AGENDA ITEM 4. C. - REVISED POSTED 200901.PDF
Notice: Pursuant to Governor Newsom’s Executive Orders N-29-20 and 33-20, which in part, provide waivers to certain Brown Act provisions, meetings of the Board of Directors will be held by teleconference. There will be no physical location from which members of the public may participate. Instead, the public may listen and/or view the meeting proceedings and provide public comment and comments on agenda items by following these instructions:

**To join via Zoom Webinar from a computer, tablet, or smartphone,**
<https://zoom.us/j/91458023440>

**To join this meeting via telephone, please dial:**
1-669-900-6833 or 1-253-215-8782
Meeting ID: 914 5802 3440

If you are unable to access the meeting using this call-in information, please contact the Board Secretary at (619) 409-6703 for assistance.

To provide public comment on non-agenda items or to provide public comment on any item of the agenda:

**Before the meeting:**
- Go to www.sweetwater.org; click on the “HOW DO I…” at the top of the page; and then click on the “Public Comment” link in the Contact section.

**OR**
- Physically deposit your public comment in the Authority’s payment drop box located in the public parking lot at the Authority’s Administrative Office at 505 Garrett Avenue, Chula Vista.

**OR**
- Mail your comments to 505 Garrett Avenue, Chula Vista, CA 91910 [Attention: Public Comment].

All written public comment submissions must be received 1 hour in advance of the meeting and will be read aloud to the Board during the appropriate portion of the meeting with a reading limit of 3 minutes for each comment.
During the meeting:
The Chair will inquire prior to Board discussion if there are any comments from the public on each item.
- Via Zoom Webinar go to Participants List, hover over your name and click on “Raise Hand.” This will notify the moderator that you wish to speak during Oral Communication or during a specific item on the agenda.
- Via phone, you can raise your hand by pressing *9 to notify the moderator that you wish to speak during the current item.

Any person with a disability who requires a modification or accommodation in order to participate in a meeting should direct such request to the Board Secretary at (619) 409-6703 at least forty-eight (48) hours before the meeting, if possible. The above public comment procedures supersede any Authority standard public comment policies and procedures to the contrary.

1. CALL MEETING TO ORDER AND ROLL CALL

2. ITEMS TO BE ADDED, WITHDRAWN, OR REORDERED IN THE AGENDA.

3. PUBLIC COMMENT.
   Opportunity for members of the public to address the Committee. (Government Code Section 54954.3).

4. ACTION AGENDA.
The following items on the Action Agenda call for discussion and action by the Committee. All items are placed on the Agenda so that the Committee may discuss and take action on the item if the Committee is so inclined, including items listed for information.
   A. Update on FY 2020-21 Pipeline Replacement Program and Douglas Street Interconnection Improvements Schedule
   B. Information Regarding Potential Revisions to the Preferential Purchasing for Local Businesses Section of the Policy for the Procurement of Services (including Construction), Supplies, and Equipment
   C. Status Report - Sweetwater and Loveland Fishing Programs – Operations pursuant to COVID-19 Pandemic

5. DIRECTORS’ COMMENTS.
   Directors’ comments are comments by Directors concerning Authority business that may be of interest to the Board. Directors’ comments are placed on the Agenda to enable individual Board members to convey information to the Board and the Public. There is no discussion or action taken on comments made by Board members.

6. NEXT MEETING DATE: Wednesday, September 16, 2020 at 6:30 p.m.

7. ADJOURNMENT.

This agenda was posted at least seventy-two (72) hours before the meeting in a location freely accessible to the Public on the exterior bulletin board at the main entrance to the Authority’s office and it is also posted on the Authority’s website at www.sweetwater.org. No action may be taken on any item not appearing on the posted agenda, except as provided by California Government Code Section 54954.2. Any writings or documents provided to a majority of the members of the Sweetwater Authority Governing Board regarding any item on this agenda will be made available for public inspection at the Authority Administration Office, located at 505 Garrett Avenue, Chula Vista, CA 91910, during normal business hours. Upon request, this agenda will be made available in appropriate alternative formats to persons with disabilities, as required by Section 202 of the Americans with Disabilities Act of 1990. Any person with a disability who requires a modification or accommodation in order to participate in a meeting should direct such request to the Board Secretary at (619) 409-6703 at least forty-eight (48) hours before the meeting, if possible.

To e-subscribe to receive meeting agendas and other pertinent information, please visit www.sweetwater.org.
TO: Governing Board (Operations Committee)
FROM: Management
DATE: August 28, 2020
SUBJECT: Update on FY 2020-21 Pipeline Replacement Program and Douglas Street Interconnection Improvements Schedule

SUMMARY
This informational update is being provided in accordance with the Strategic Plan Detailed Work Plan Objective SR1 004.00, which shows this project going to the Operations Committee in the first quarter of FY 2020-21.

The FY 2020-21 Budget includes a Pipeline Replacement Program project and a project to improve the interconnection between the Otay Water District and the Authority’s water distribution system at Douglas Street. The FY 2020-21 Pipeline Replacement Program consists of new 16-inch PVC water mains in East J Street from Myra Avenue to Nacion Avenue and in Myra Avenue from East J Street to the Claire Vista Tank to replace the 17-inch welded steel mains installed in the 1959-1961 time period. This project is currently advertising for competitive bids, with a bid opening date of September 8, 2020. The existing 17-inch welded steel main being replaced has leaked several times over the past five years, resulting in the need to conduct emergency repairs on the existing water main.

Water from the Claire Vista Tank is boosted into the Halecrest Pressure Zone via the Halecrest Booster Station located at the Claire Vista Tank site and the Halecrest Pressure Zone is supplied through the existing 17-inch water main described above. The Douglas Street Interconnection with Otay Water District also provides water into the Halecrest Pressure Zone. Improvements to the Douglas Street Interconnection are programmed to be brought to the Operations Committee in the third quarter of FY 2020-21, as shown in the Strategic Plan Detailed Work Plan Objective SR9 005.00. Due to the relatively small cost associated with the Douglas Street Interconnection project, it was proposed during the budgetary process to combine this work with the Naples Street Large Meter Improvements project, but the Naples Street Large Meter project was deferred to FY 2021-22 during the final stages of the budget approval process.

Based on the potential vulnerability of the water supply into the Halecrest Pressure Zone associated with constructing a new water main adjacent to an old steel water main that has been known to be fragile, it would be prudent to incorporate the Douglas Street
Interconnection Improvements into the FY 2020-21 Pipeline Replacement Program project and require the contractor to perform that work first in order to have a greater capacity backup supply than currently exists. Such an approach would limit the potential for water supply reliability issues for the customers in that area. To accomplish this modification, an Addendum to the Contract Documents for the FY 2020-21 Pipeline Replacement Program would be prepared and issued to prospective bidders. This modification requires the bid opening to be postponed to September 24, 2020. As a result, the recommendation of award for the FY 2020-21 Pipeline Replacement Program and Douglas Street Interconnection Improvements project would be presented to the Operations Committee on or after October 7, 2020, which is the first meeting in the second quarter.

This approach slightly delays the planned presentation to the Operations Committee for the Pipeline Replacement Program, but accelerates the presentation of the Douglas Street Interconnection Improvements project by one quarter.

**PAST BOARD ACTION**


**FISCAL IMPACT**

The FY 2020-21 Budget includes funds for the FY 2020-21 Pipeline Replacement Program and for the Douglas Street Interconnection Improvements projects.

It is anticipated that combining the Douglas Street Interconnection Improvements project, (estimated to cost about $148,000) with the much larger $1.65 million pipeline project will result in a better price than bidding the Douglas Street Interconnection Improvements project alone.

**POLICY**

Strategic Plan Goal 2: System and Water Supply Reliability (SR) - Achieve an uninterrupted, long-term water supply through investment, maintenance, innovation and developing local water resources.

- Objective SR1: Implement the current Water Distribution Master Plan to include: pipeline replacements; new pipelines for capacity, reliability and redundancy; additional water storage capacity in deficient zones; and additional pumping capacity for Hydropneumatic Zones
Memo to: Governing Board (Operations Committee)
Subject: Update on FY 2020-21 Pipeline Replacement Program and Douglas Street Interconnection Improvements Schedule
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- 004.00 Replace the following pipelines in FY 2020-21: J Street (Myra Ave. to Nacion Ave.); Myra Ave. (East J St. to Claire Vista Tank); Easement (Gretchen Rd. to Claire Vista Tank)

- Objective SR9: Cost-effectively maintain facilities and infrastructure to optimize their useful life and performance
  - 005.00 Relocate and upgrade the water capacity for the Otay Water District System interconnection located at Douglas Street, Chula Vista

CONCLUSION
This is an information item only.
TO: Governing Board (Operations Committee)
FROM: Management
DATE: August 28, 2020
SUBJECT: Information Regarding Potential Revisions to the Preferential Purchasing for Local Businesses Section of the Policy for the Procurement of Services (including Construction), Supplies, and Equipment

SUMMARY
As a result of an Operations Committee (Committee) meeting item regarding the Description of Criteria Recently Used for Evaluating Proposals, Director Martinez requested that the Committee further discuss the Preferential Purchasing for Local Businesses section of the Policy for the Procurement of Services (including Construction), Supplies, and Equipment (Policy). At a Special Meeting on July 29, 2020 the Committee voted unanimously to reconsider this item in six weeks after staff and legal have had the opportunity to research their questions and propose revisions to the Policy to address the following:

1) Use of proposal rating criteria that provides a weighted advantage to businesses that have not previously worked with the Authority, local and disadvantaged businesses, and evidence of strong OSHA compliance;

2) Whether the Authority can establish a Disadvantaged Business Program (similar to Caltrans or in conjunction with Caltrans);

3) Reducing the 10% advantage to local businesses to a level that is more consistent with other agencies and that also expands the program to disadvantaged businesses outside of the Authority’s service area

The following are the Committee’s requests for items to be addressed along with staff and Best Best & Krieger’s responses.

1) Question: May the Authority use proposal rating criteria that provides a weighted advantage to businesses that have not previously worked with the Authority, local and disadvantaged businesses, and evidence of strong OSHA compliance? (Note: Legal Counsel also considered a weighted advantage for small businesses in their analysis since these are referenced in the Policy)
Memo to: Governing Board (Operations Committee)
Subject: Information Regarding Potential Revisions to the Preferential Purchasing for Local Businesses Section of the Policy for the Procurement of Services (including Construction), Supplies, and Equipment
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Businesses that have not previously worked with the Authority (New Vendor)

Answer: Yes

Details: The Authority could provide a preference for New Vendors similar to a local preference. Like local preferences, new vendor preferences are not robustly provided for in state statutes and could potentially be susceptible to legal challenge. The Authority’s interest in a new vendor preference would be to eliminate favoritism and increase competition. By providing an incentive to New Vendors, the Authority signals to the vendor community that incumbents are not favorites to win the next contract and that the Authority is genuinely interested in increasing competition for its contracts. This type of preference could be structured similarly to local or small business preferences and applied to consulting, other services, and goods, materials, and supplies. The amount of any New Vendor preference should be small (most agencies use 5% or less, depending on the total value of other preferences).

Exceptions: By law, this preference may not apply to “hard” Professional Services, such as engineering, architecture, environmental, surveying, or construction management. The law also prohibits this preference for Public Works Construction paid for by bonds or limited assessments. There is notable risk applying the preference to other Public Works Construction (especially at high dollar amounts) because such contracts are typically awarded to the lowest responsive, responsible bidder.

Additional Note: At the July meeting, the Committee asked whether the Authority could exclude incumbents from submitting proposals in order to eliminate favoritism. Doing so would not advance one of the interests described above (increasing competition) and could be susceptible to challenge. A New Vendor preference would be a more secure alternative.

Small businesses

Answer: Yes

Details: Public Contract Code 2002 states that small business preferences may be provided “notwithstanding any other provision of law requiring a local agency to award contracts to the lowest responsible bidder.” Although section 2002 technically applies to only a small number of Authority contracts (those paid for
by bonds or the proceeds of limited assessments), the statute provides a strong basis to use small business preferences for most types of procurements as long as they do not violate other legal principles. More specifically, this type of preference may be used for Public Works Construction with low risk, as long as the Authority follows provisions similar to Public Contract Code 2002. Like other preferences, the amount of a small business preference should be small (most agencies use 5% or less, depending on the total value of other preferences).

Exceptions: By law, small business preferences may not be used on “hard” professional services (engineering, architecture, environmental, surveying, or construction management).

Local businesses

Answer: Yes

Details: A local business preference could be adopted either on its own, or combined with a small business preference. Unlike small business preferences, local preferences are not robustly provided for in state statutes, but may be permissible if the amount of the preference is not excessive and the Authority can identify a legitimate interest in having a local preference.

Exceptions: Local preferences may not be applied to “hard” professional services, such as engineering, architecture, environmental, surveying, or construction management. The law would also prohibit this preference from being used for Public Works Construction paid for by bonds or limited assessments. There is notable risk to applying the preference to other Public Works Construction (especially at high dollar amounts) because such contracts are typically awarded to the lowest responsive, responsible bidder.

Disadvantaged businesses

Answer: No

Details: For the response on Disadvantaged business, see items 2.
2) Question: Can the Authority establish a Disadvantaged Business Program (similar to Caltrans or in conjunction with Caltrans)?

Answer: No

Details: California’s Proposition 209 prohibits state and local public agencies from considering race, sex, color, ethnicity, or national origin in the operation of public employment, public education, or public contracting. Certain federal programs and funding opportunities do require Minority or Disadvantaged Business Enterprises (MBEs or DBEs) or outreach activities. Because of these federal funding requirements, certain state and local projects are required to utilize a DBE or MBE program. However, absent federal funding requiring the use of a DBE or MBE program, local agencies in California may not use MBE or DBE programs or preferences that consider the categories prohibited by Prop. 209.

3) Should the Policy be modified to reduce the 10 percent advantage to local businesses to a level that is more consistent with other agencies and expand the 10 percent advantage to include disadvantaged businesses outside of the Authority’s service area?

Answer: The Authority’s current 10 percent advantage to local businesses is much higher than other similar agency programs and the Committee may want to consider recommending that the Board reduce it to a lower amount. This preference could not be extended to disadvantaged businesses as discussed in item 2.

Details: Research shows that other similar agency programs identified that none provided a preference of more than 5 percent and the preference was implemented through various methods. The following alternatives could be considered:

- Reduce the current price advantage in the Preferential Purchasing for Local Businesses section of the Policy from 10 percent to 5 percent or less and setting limitations (e.g., a local vendor or business with more than $100,000 of contracts would not qualify).

- Allow the lowest local business or local small business within 5 percent of the lowest bid the opportunity to submit a new bid to price match when the lowest bid is a non-local business.
4) May the Authority give a percentage preference for professional services?

Answer: For certain types of professional services, yes

Details: The Authority could narrow its definition of “professional services” so that other types of consulting services may be subject to the Local Businesses section of the Policy.

Exception: The Authority may not provide a preference for “hard” professional services such as architectural, landscape architectural, engineering, environmental, land surveying, or construction project management services due to the requirements of Government Code Section 4525 et seq.

Finally, if the Board decides to modify the Policy, staff recommends that the Board define “local, small, and disadvantaged businesses.” Similarly, the Board may want to consider removing disadvantage businesses from the Policy to align with the information provided in the answer to Question 2 above.

PAST BOARD ACTIONS
May 13, 2020 The Governing Board approved the changes made to the Policy for the Procurement of Services as presented, and incorporate the policy into the final Policy 517 – Financial Policies, that will be included and approved with the FY 2020-21 Budget.

FISCAL IMPACT
The Policy for the Procurement of Services (Including Construction), Supplies, and Equipment provides for a Preferential Purchasing for businesses within the Authority’s jurisdiction of 10 percent.

POLICY
Policy for the Procurement of Services (Including Construction), Supplies, and Equipment

Strategic Plan Goal 4 – Provide high quality customer service based on customer feedback and serve the community through education outreach and partnerships.

• Objective CS4: Support local, small and disadvantaged businesses in the community
Memo to: Governing Board (Operations Committee)
Subject: Information Regarding Potential Revisions to the Preferential Purchasing for Local Businesses Section of the Policy for the Procurement of Services (including Construction), Supplies, and Equipment

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CONCLUSION

This memo is provided for information only; however, it does contain recommendations should the Board decide to modify the Local Businesses section of the Policy for the Procurement of Services (Including Construction), Supplies, and Equipment.

ATTACHMENTS

1. Summary of Allowable Procurement Preferences
2. Local Businesses section of the Policy for the Procurement of Services (Including Construction), Supplies, and Equipment
# Summary of Allowable Procurement Preferences

Below is table summarizing when certain types of preferences may be applied to certain types of Authority contracts:

<table>
<thead>
<tr>
<th>Category</th>
<th>Local Business</th>
<th>Minority or Disadvantaged Business</th>
<th>Small Business</th>
<th>New Vendor Business</th>
</tr>
</thead>
<tbody>
<tr>
<td>Public Works Construction</td>
<td>For bond/limited assessment-funded projects – No</td>
<td>No (Prop. 209)</td>
<td>Yes, but recommend following limitations in PCC 2002</td>
<td>For bond/limited assessment-funded projects – No</td>
</tr>
<tr>
<td></td>
<td>Others - Maybe, but potentially high legal risk, especially if dollar value is high</td>
<td></td>
<td></td>
<td>Others - Maybe, but potentially high legal risk, especially if dollar value is high</td>
</tr>
<tr>
<td>Professional (architectural, landscape architectural, engineering, environmental, land surveying, or construction project management)</td>
<td>No (GC 4525)</td>
<td>No (Prop. 209; GC 4525)</td>
<td>No (GC 4525)</td>
<td>No (GC 4525)</td>
</tr>
<tr>
<td>Consulting (services that are professional in nature, but not in the above categories)</td>
<td>Yes</td>
<td>No (Prop. 209)</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Other services (maintenance, etc.)</td>
<td>Yes</td>
<td>No (Prop. 209)</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Goods, Materials, Supplies</td>
<td>Yes</td>
<td>No (Prop. 209)</td>
<td>Yes</td>
<td>Yes</td>
</tr>
</tbody>
</table>
Policy for the Procurement of Services (including Construction), Supplies, and Equipment

- **Preferential Purchasing for Local Businesses:**
  
  Authority staff will maintain a vendor database that will include, but not be limited to, local, small, and disadvantaged businesses ("Local, Small, and/or Disadvantaged Business") within the Authority's service area. Authority staff may provide preferences to Local, Small, and/or Disadvantaged Business as part of the selection process for non-professional services, supplies, and equipment, unless prohibited by Federal or State laws. If a Local, Small, and/or Disadvantaged Business is not the lowest bidder, then Authority staff may provide a preference of up to 10 percent over the lowest procured price when awarding a purchase involving Local, Small, and/or Disadvantaged Business. In addition, Authority staff, on a biannual basis, will undertake outreach to communicate with the local vendor community to provide information on how to better access the Authority's procurement process. In order to qualify for this local preference a Local, Small, and/or Disadvantaged Business must provide proof of having a current valid local business license and either (a) be an Authority rate payer in good standing for the past six months, or (b) receive Authority water service at its business location for the past six months, paid by a third party.

(This item is an extract and does not reflect the full Financial Policies 517)
TO: Governing Board (Operations Committee)  
FROM: Management  
DATE: August 28, 2020  
SUBJECT: Status Report - Sweetwater and Loveland Fishing Programs – Operations pursuant to COVID-19 Pandemic

SUMMARY
Both the Sweetwater and Loveland Fishing Programs were closed on March 16, 2020 due to COVID-19 and reopened on August 1, 2020, after preparing and implementing a Safe Reopening Plan (Plan). The Plan is posted on the Sweetwater Authority website and physically at both programs. The Plan is also attached to this memo.

Upon reopening, the Sweetwater Fishing Program resumed normal hours (7:00 a.m. to 5:00 p.m.) and normal days of operation (Saturday, Sunday, and Monday). The Loveland Fishing Program resumed normal hours (6:00 a.m. to 6:00 p.m.) and reduced days (Friday, Saturday, and Sunday, as opposed to seven days per week) in order to safely operate the program utilizing existing resources. The fewer number of days is also a safety measure to limit potential exposure by reducing staff interaction with program users and allowing program maintenance on days the program is closed. Closing the fishing programs at 5:00 p.m. and 6:00 p.m., respectively, allows staff to safely clear the fishing programs of the public while there is still daylight. This is also a safety measure as, in the past, staff has found seriously injured members of the public within the fishing programs and one case required airlifting the injured person. To date, the current schedule has been successful in minimizing risk to employees and staff recommends maintaining the current schedule until the Safe Reopening Plan is lifted or modified as a way to continue to minimize risk and control costs.

Utilization from August 1 through August 17 is as follows: Sweetwater Fishing program has had 564 users or an average of 63 per day; the Loveland Fishing program has had 119 users or an average of 15 per day.

Efforts have been made to reduce close interactions with Sweetwater and Loveland Fishing program users. Additional signage and refuse containers were installed at each program to help facilitate this. Since the reopening, staff has observed and documented the following activities, which are against the rules adopted to protect water quality: large amounts of debris left on the shorelines; program rules and regulations violations
for human contact (wading and swimming) with the water, drinking alcohol, smoking, pets in the water, boats in the water, illegal bait, and discharging of firearms. These violations warrant an immediate response by staff increasing the potential risk to COVID-19. With regard to compliance with rules associated with COVID-19, most program users abide by the facial covering and social distancing requirements.

**PAST BOARD ACTIONS**

**July 22, 2020**  
The Governing Board directed staff to prepare and implement a Safe Reopening Plan and implement measures in compliance with the applicable State COVID-19 Industry Guidance, for one or both of the Fishing Programs utilizing current resources (may result in a reduced level of service such as hours/day of operation); for the implementation to occur by August 1, 2020; and that a status report be provided to the Operations Committee 30 days after implementation.

**March 25, 2020**  
The Governing Board adopted Resolution 20-07 – Declaring an Emergency Due to the COVID-19 Pandemic

**FISCAL IMPACT**

Cost to Sweetwater Authority to operate the two fishing programs at the current level is approximately the same as it was before the COVID-19 Pandemic. Increased operation would result in additional costs associated with sanitation requirements.

**POLICY**

The Loveland Fishing Program was established as part of a property exchange Agreement. Staff has met with the U. S. Forest Service and they have indicated that they would defer to Sweetwater Authority on how it is operated during the Pandemic. As a result, during the Pandemic, the Authority has discretion on how it is operated.

The Sweetwater Fishing Program was established by the Authority and the Authority has full discretion how it is operated.

**CONCLUSION**

This is an information item.

**ATTACHMENT**

Loveland and Sweetwater Fishing Program Safe Reopening Plan
SAFE REOPENING PLAN

Business Name:

Facility Address: 3203 Summit Meadows Rd. and 17990 Japatul Rd., Alpine

This plan does not need to be submitted at this time. This plan is to be used to prepare when businesses open per the Governor’s Order. The County will not require approval for this plan. Businesses must implement all mandatory measures listed in A and B below. Businesses shall select applicable measures listed in C and D below and be prepared to explain why any measure that is not implemented is inapplicable to the business. Businesses shall also provide specific details regarding their Safe Reopening Plan pertaining to their business in section E below.

A. Signage (Mandatory):

☐ Signage at each public entrance of the facility to inform all employees and customers that they should: avoid entering the facility if they have a cough or fever; wear facial coverings, maintain a minimum six-foot distance from one another; and not shake hands or engage in any unnecessary physical contact.

☐ Signage posting a copy of the Safe Reopening Plan at each public entrance to the facility.

B. Measures To Protect Employee Health (Mandatory):

☐ Teleworking opportunities have been maximized.

☐ All employees have been told not to come to work if sick.

☐ All employees must have temperature taken upon reporting to work; if 100 degrees or more, should not be allowed in workplace. Employees must be screened for symptoms (cough, shortness of breath or trouble breathing, headache, fever, chills, muscle or body aches, fatigue, sore throat, congestion or runny nose, new loss of taste or smell, nausea or vomiting, diarrhea, exposure to individuals who have tested positive for COVID-19)

☐ All employees must wear facial coverings in the workplace, if within six feet of others.

☐ All desks or individual work stations are separated by at least six feet.

☐ Break rooms, bathrooms, and other common areas are being disinfected frequently, on the following schedule:

Per Sweetwater Authority’s website Fishing Information page and on-site signage, visitors will be encouraged to bring their own hand sanitizer with at least 60% ethanol or 70% isopropyl alcohol (per page 9 of July 2, 2020 CDPH Guidance for Campgrounds, RV Parks, and Outdoor Recreation).

Porto Potties are cleaned once a week.

☐ Personal Protective Equipment (PPE) has been provided at a level appropriate to employee job duties (describe below)

Face masks, gloves, face shields.

Per June 18, 2020 Guidance for Face Coverings, employees wear facial coverings whenever the public may be present at the fishing programs.
SAFE REOPENING PLAN

B. Measures To Protect Employee Safety (Mandatory) Continued:

- Soap and water are available to all employees at the following location(s):
  - Loveland Caretaker office and Perdue Water Treatment Plant

- Copies of the Protocol have been distributed to all employees.

C. Measures To Protect Customer Safety (Check all that apply to the facility):

- Limit the number of customers in the store at any one time to [ ] which allows for customers and employees to easily maintain at least six-foot distance from one another at all practicable times.
- All patrons/visitors must have facial coverings in their possession and wear them within 6 ft. of another person.
- Curbside or outdoor service is made available where feasible.
- Optional – Describe other measures:
  - Per Sweetwater Authority’s website Fishing Information page and on-site signage, visitors will be encouraged to bring their own hand sanitizer with at least 60% ethanol or 70% isopropyl alcohol (per page 9 of July 2, 2020 CDPH Guidance for Campgrounds, RV Parks, and Outdoor Recreation).

D. Measures To Keep People At Least Six Feet Apart (Check all that apply to the facility):

- Placing signs outside the store reminding people to be at least six feet apart, including when in line. Including encouragement for pedestrian traffic to follow one-way migration paths, if appropriate.
- Placing tape or other markings at least six feet apart in customer line areas inside the store and on sidewalks at public entrances with signs directing customers to use the markings to maintain distance.
- All employees have been instructed to maintain at least six feet distance from customers and from each other, except employees may momentarily come closer when necessary to accept payment, deliver goods or services, or as otherwise necessary.
- Appointment system is utilized, when appropriate.
- Optional – Describe other measures:
  - Loveland fishing dock has spacing indicators.
SAFE REOPENING PLAN

E. Additional Measures Specific to Business (Mandatory):

Entrance to either program is at the user's risk. User's are responsible to maintain safe distancing.

Per Sweetwater Authority's website Fishing Information page and on-site signage, visitors will be encouraged to bring their own hand sanitizer with at least 60% ethanol or 70% isopropyl alcohol (per page 9 of July 2, 2020 CDPH Guidance for Campgrounds, RV Parks, and Outdoor Recreation).

Staff is not at either fishing program full time, but will perform spot checking.

*Any additional measures not included here should be listed on separate pages, which the business should attach to this document.

You may contact the Health and Safety Coordinator with any questions or comments about this protocol:

Name: Dan Bresniker    Phone Number: 619-409-6867

Signature, Appointing Authority or Designee: [signature]

Date of Form Completed: 7/30/20
TO: Governing Board (Operations Committee)

FROM: Management

DATE: August 28, 2020

SUBJECT: Status Report - Sweetwater and Loveland Fishing Programs – Operations pursuant to COVID-19 Pandemic

SUMMARY

Both the Sweetwater and Loveland Fishing Programs were closed on March 16, 2020 due to COVID-19 and reopened on August 1, 2020, after preparing and implementing a Safe Reopening Plan (Plan). The Plan is posted on the Sweetwater Authority website and physically at both programs. The Plan is also attached to this memo.

Upon reopening, the Sweetwater Fishing Program resumed normal hours (7:00 a.m. to 5:00 p.m.) and normal days of operation (Saturday, Sunday, and Monday). The Loveland Fishing Program resumed normal hours (6:00 a.m. to 6:00 p.m.) and reduced days (Friday, Saturday, and Sunday, as opposed to seven days per week) in order to safely operate the program utilizing existing resources. The fewer number of days is also a safety measure to limit potential exposure by reducing staff interaction with program users and allowing program maintenance on days the program is closed. Closing the fishing programs at 5:00 p.m. and 6:00 p.m., respectively, allows staff to safely clear the fishing programs of the public while there is still daylight. This is also a safety measure as, in the past, staff has found seriously injured members of the public within the fishing programs and one case required airlifting the injured person. To date, the current schedule has been successful in minimizing risk to employees and staff recommends maintaining the current schedule until the Safe Reopening Plan is lifted or modified as a way to continue to minimize risk and control costs.

Utilization from August 1 through August 17 is as follows: Sweetwater Fishing program has had 564 users or an average of 63 per day; the Loveland Fishing program has had 119 users or an average of 15 per day.

Efforts have been made to reduce close interactions with Sweetwater and Loveland Fishing program users. Additional signage and refuse containers were installed at each program to help facilitate this. Since the reopening, staff has observed and documented the following activities, which are against the rules adopted to protect water quality: large amounts of debris left on the shorelines; program rules and regulations violations
for human contact (wading and swimming) with the water, drinking alcohol, smoking, pets in the water, boats in the water, illegal bait, and discharging of firearms. These violations warrant an immediate response by staff increasing the potential risk to COVID-19. With regard to compliance with rules associated with COVID-19, most program users abide by the facial covering and social distancing requirements.

**PAST BOARD ACTIONS**

**July 22, 2020**
The Governing Board directed staff to prepare and implement a Safe Reopening Plan and implement measures in compliance with the applicable State COVID-19 Industry Guidance, for one or both of the Fishing Programs utilizing current resources (may result in a reduced level of service such as hours/day of operation); for the implementation to occur by August 1, 2020; and that a status report be provided to the Operations Committee 30 days after implementation.

**March 25, 2020**
The Governing Board adopted Resolution 20-07 – Declaring an Emergency Due to the COVID-19 Pandemic

**FISCAL IMPACT**
Cost to Sweetwater Authority to operate the two fishing programs at the current level is approximately the same as it was before the COVID-19 Pandemic. Increased operation would result in additional costs associated with sanitation requirements.

**POLICY**
The Loveland Fishing Program was established as part of a property exchange Agreement. Staff has met with the U. S. Forest Service and they have indicated that they would defer to Sweetwater Authority on how it is operated during the Pandemic. As a result, during the Pandemic, the Authority has discretion on how it is operated.

The Sweetwater Fishing Program was established by the Authority and the Authority has full discretion how it is operated.

**CONCLUSION**
This is an information item.

**ATTACHMENTS**
1. Loveland and Sweetwater Fishing Program Safe Reopening Plan
2. Sweetwater and Loveland Fishing Programs – Operations pursuant to COVID-19 Pandemic – Memo dated July 10, 2020
SAFE REOPENING PLAN

Business Name:

Facility Address: 3203 Summit Meadows Rd. and 17990 Japatul Rd., Alpine

This plan does not need to be submitted at this time. This plan is to be used to prepare when businesses open per the Governor’s Order. The County will not require approval for this plan.

Businesses must implement all mandatory measures listed in A and B below. Businesses shall select applicable measures listed in C and D below and be prepared to explain why any measure that is not implemented is inapplicable to the business. Businesses shall also provide specific details regarding their Safe Reopening Plan pertaining to their business in section E below.

A. Signage (Mandatory):

- Signage at each public entrance of the facility to inform all employees and customers that they should: avoid entering the facility if they have a cough or fever; wear facial coverings, maintain a minimum six-foot distance from one another; and not shake hands or engage in any unnecessary physical contact.
- Signage posting a copy of the Safe Reopening Plan at each public entrance to the facility.

B. Measures To Protect Employee Health (Mandatory):

- Teleworking opportunities have been maximized.
- All employees have been told not to come to work if sick.
- All employees must have temperature taken upon reporting to work; if 100 degrees or more, should not be allowed in workplace. Employees must be screened for symptoms (cough, shortness of breath or trouble breathing, headache, fever, chills, muscle or body aches, fatigue, sore throat, congestion or runny nose, new loss of taste or smell, nausea or vomiting, diarrhea, exposure to individuals who have tested positive for COVID-19)
- All employees must wear facial coverings in the workplace, if within six feet of others.
- All desks or individual work stations are separated by at least six feet.
- Break rooms, bathrooms, and other common areas are being disinfected frequently, on the following schedule:

Per Sweetwater Authority’s website Fishing Information page and on-site signage, visitors will be encouraged to bring their own hand sanitizer with at least 60% ethanol or 70% isopropyl alcohol (per page 9 of July 2, 2020 CDPH Guidance for Campgrounds, RV Parks, and Outdoor Recreation).

Porto Potties are cleaned once a week.

- Personal Protective Equipment (PPE) has been provided at a level appropriate to employee job duties (describe below)

Face masks, gloves, face shields.

Per June 18, 2020 Guidance for Face Coverings, employees wear facial coverings whenever the public may be present at the fishing programs.
SAFE REOPENING PLAN

B. Measures To Protect Employee Safety (Mandatory) Continued:

☑ Soap and water are available to all employees at the following location(s):

Loveland Caretaker office and Perdue Water Treatment Plant

☑ Copies of the Protocol have been distributed to all employees.

C. Measures To Protect Customer Safety (Check all that apply to the facility):

☐ Limit the number of customers in the store at any one time to ___ which allows for customers and employees to easily maintain at least six-foot distance from one another at all practicable times.

☑ All patrons/visitors must have facial coverings in their possession and wear them within 6 ft. of another person

☐ Curbside or outdoor service is made available where feasible.

☑ Optional – Describe other measures:

Per Sweetwater Authority’s website Fishing Information page and on-site signage, visitors will be encouraged to bring their own hand sanitizer with at least 60% ethanol or 70% isopropyl alcohol (per page 9 of July 2, 2020 CDPH Guidance for Campgrounds, RV Parks, and Outdoor Recreation).

D. Measures To Keep People At Least Six Feet Apart (Check all that apply to the facility):

☑ Placing signs outside the store reminding people to be at least six feet apart, including when in line. Including encouragement for pedestrian traffic to follow one-way migration paths, if appropriate.

☑ Placing tape or other markings at least six feet apart in customer line areas inside the store and on sidewalks at public entrances with signs directing customers to use the markings to maintain distance.

☑ All employees have been instructed to maintain at least six feet distance from customers and from each other, except employees may momentarily come closer when necessary to accept payment, deliver goods or services, or as otherwise necessary.

☐ Appointment system is utilized, when appropriate.

☑ Optional – Describe other measures:

Loveland fishing dock has spacing indicators.
E. Additional Measures Specific to Business (Mandatory):

Entrance to either program is at the user's risk. Users are responsible to maintain safe distancing.

Per Sweetwater Authority’s website Fishing Information page and on-site signage, visitors will be encouraged to bring their own hand sanitizer with at least 60% ethanol or 70% isopropyl alcohol (per page 9 of July 2, 2020 CDPH Guidance for Campgrounds, RV Parks, and Outdoor Recreation).

Staff is not at either fishing program full time, but will perform spot checking.

*Any additional measures not included here should be listed on separate pages, which the business should attach to this document.

You may contact the Health and Safety Coordinator with any questions or comments about this protocol:

Name: Dan Bresniker
Phone Number: 619-409-6867

Signature, Appointing Authority or Designee

Date of Form Completed: 7/30/20
TO: Governing Board (Operations Committee)
FROM: Management
DATE: July 10, 2020
SUBJECT: Sweetwater and Loveland Fishing Programs – Operations pursuant to COVID-19 Pandemic

SUMMARY
The Authority owns, operates, and manages two surface water reservoirs along Sweetwater River as key components of its water supply portfolio. Limited shoreline fishing is available at both of these reservoirs. Authority staff activities related to the Fishing Programs have generally been limited to opening and closing the gates to the areas, spot-checking of fishing licenses, bait, fish counts, and fish sizes, and general compliance with posted prohibitions.

Background
The Loveland Reservoir Fishing Program was established in 1997 under a property exchange agreement with the United States Forest Service and includes a parking area on Japatul Road, a quarter-mile steep trail from the parking area to a fishing pier at the shoreline, and five miles of shoreline up to 50 feet above the high-water level measured horizontally along the shoreline. There is no cost to the public to use the Loveland Fishing Program. The Sweetwater Reservoir Fishing Program was established in 2004 and is located along the southern shoreline and is accessed from Summit Meadow Road near the County of San Diego’s Summit Park. The cost to the public to use the Sweetwater Fishing Program is $5 per person for fishing and parking and $3 per person for parking only.

Sweetwater Authority’s Fishing Programs are structured differently than other agency programs. Unlike other agencies, the Authority does not have a revenue stream and does not receive property taxes to cover the full costs of supporting the Fishing Programs or the increased costs due to County Health Order requirements. Moreover, unlike other agencies, the Authority does not have full-time or dedicated staff for the administration and implementation of the Fishing Programs.

Both the Sweetwater and Loveland Fishing Programs were closed on March 16, 2020 due to COVID-19, and the Authority has received requests from the public to reopen the programs. Whether the Authority may reopen the Fishing Programs depends on 1) the ability of the Authority to meet the requirements for reopening as set out in the County
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of San Diego Health Officer Order dated July 6, 2020, effective on July 7, 2020, and 2) identifying funding to cover the expenses associated with compliance.

COVID-19 Pandemic Health Orders
On March 19, 2020, Governor Newsom issued Executive Order 33-20 ordering every individual in the State of California to stay at home except as needed to continue the operations of the “federal critical infrastructure sectors” as outlined in the Executive Order. Thereafter, with the exception of “federal critical infrastructure sectors,” more commonly referred to as “essential businesses” in more recently issued San Diego County Health Officer Health Orders, all businesses were essentially required to close until permitted to safely reopen. The Authority falls within the definition of an “essential business” and its employees are considered “critical infrastructure workers” to the extent that the Authority and its employees are conducting essential functions. Since March 19, 2020, numerous additional Executive Orders were issued by Governor Newsom to address COVID-19, and the Public Health Officer for the County of San Diego has issued a series of Health Officer Orders. However, while the Authority is deemed an essential business, the Fishing Programs are not identified as an essential function, and therefore can only reopen if in compliance with applicable State and Local Requirements as specified in the July 6, 2020 Order. Attached is a summary of the evolution of the requirements applicable to the Fishing Programs as set out in the Health Officer Orders, to which the Authority is bound.

Currently, the Authority is bound by the requirements of the San Diego County Health Officer Order dated July 6, 2020, effective on July 7, 2020. This Health Officer Order requires that public parks and recreation area or facility operate in compliance with the measures set forth in the State COVID-19 Industry Guidance document issued for “Campgrounds, RV Parks and Outdoor Recreation” and prepare a “Safe Reopening Plan” pursuant to Section 11 of the Order indicating how the recreation area or facility will implement the required measures. Further, the Order provides that parks and recreation areas/facilities at which the requirements cannot be effectively implemented may be required to close. Last, the current Order maintains language first included in the April 9, 2020 Health Officer Order (effective on April 10, 2020) which prohibits gatherings of more than one person in a single room or single indoor or outdoor space at the same time, unless the gathering consisted only of members of a single-family or household. (Sections 2 and 22(b), July 6, 2020 Health Officer Order effective July 7, 2020)

While many recreation programs within San Diego County have reopened, the current trend of COVID-19 positive cases in the County is increasing, causing the County to enact more restrictive measures and reverse previously allowed activities. In the
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County, there have been 21 community outbreaks in the past seven days and the nature of the Fishing Programs encourages congregating (e.g., at fishing hotspots and on the fishing pier).

Safe Reopening Requirements

Pursuant to these requirements, in order to safely reopen the Fishing Programs the Authority would need to do the following:

- Clean restroom facilities on an accelerated schedule to keep them sanitized
- Encourage visitors to pack out what they pack in to minimize the amount of trash that Authority staff must dispose of
- Implement measures to ensure physical distancing of at least six feet between and among workers and visitors
- Monitor areas where people are likely to gather and ensure that physical distancing and other guidelines are followed

The Authority does not currently have the resources budgeted to enact the above measures.

In addition to the above requirements associated with the COVID-19 pandemic, the Fishing Programs require Authority staff to have significant face-to-face interaction with the public as a part of enforcement/education activities required to protect the Sweetwater and Loveland Reservoirs as drinking water sources. Such interaction increases exposure and risk for the public and Authority staff. The California State Water Resources Control Board, Division of Drinking Water (DDW) has primary jurisdiction over matters related to drinking water reservoirs, along with the Regional Water Quality Control Board. Together, these agencies enforce activities to protect water quality.

Enforcement activities include ensuring against the following banned activities:

- Smoking (which may cause dangerous fires)
- Fishing without a State License
- Using live bait (which could contaminate the reservoirs with quagga mussels or other invasive species)
- Entering the reservoir waters
- Trespassing into sensitive and protected habitat areas
- Consuming alcohol
- Littering
If the Fishing Programs are reopened, it will be difficult for Authority staff to fully enforce these prohibitions, as their one-on-one interactions with recreation patrons will be restricted due to COVID-19.

Authority staff is also responsible for managing 20 portable toilets, including servicing those portable toilets that are not accessible by the third-party contract environmental services (four units) and monitoring all other portable toilets (16 units). Additional staff resources are not available at this time to comply with the “accelerated” cleaning/disinfection of the portable toilets as required under the County Health Order.

Support of the Fishing Programs is an ancillary duty for Authority staff; additional focus placed on the Fishing Programs would reduce the amount of time Authority staff have to work on their mission-critical duties, such as:

- Maintain and operate the Bunger valve for water transfers between Loveland and Sweetwater Reservoirs
- Maintain the Urban Runoff Diversion System (URDS) channels, ponds, forebays, and appurtenances from vegetation overgrowth; operation of URDS gates, valves, and equipment; perform reads of electric and water meters
- Perform flow inspections at various checkpoints along the Sweetwater River
- Maintain access roads around the reservoir, mow reservoir bottom, clear vegetation from reservoir lands and maintain seasonal fire breaks as required
- Remove vegetation growth on the dams and abutments
- Maintain fall protection for work on and below Loveland Dam
- Patrol watershed and reservoir properties for trespassers and damages to property and wildlife
- Install, inspect and repair chain-link, barbed wire, and barb-less fences
- Clean watershed properties
- Maintain and operate the water filtration system at Loveland Reservoir for the fire protection system, residence, and caretaker office
- Use pesticides and herbicides; perform mosquito abatement measures and assist the County Vector control; ensure chemical and hazardous material spills are handled in accordance with State and Federal regulations
- Prepare a variety of documents and reports: Requisitions, work orders, trespassers and violations data, angler, and fish counts, weather reports, water flow and depth readings, monthly summary, watershed data, reports of damage to watershed properties, habitat, and wildlife, and other related activities
- Collect weather station data, water samples, and low flow barrier readings
- Control vegetation by using herbicides and mechanical means within the managed reservoirs limits, firebreaks, roadsides, and other areas as needed
- Monitor and install signage
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- Perform routine maintenance of vehicles, tools, equipment, and apparatus; wash and clean Authority vehicle and boats; maintain, clean, and inspect tools and equipment inventory
- Assist in the application of copper sulfate to the lake as required
- Operate Authority boats to patrol the reservoirs, collect water quality samples and data, inspect and perform data collection from the Quagga monitoring stations, and maintain log booms
- Perform borehole and well readings along the river basin; including inspection, data collection, and operation of the slide gates at Willow Lake

PAST BOARD ACTION
None

FISCAL IMPACT
Reopening the Fishing Programs would cost on the order of $3,000 per week in additional expenses associated with staff and contractor costs, and could be significantly more if staff needs to be onsite full time.

Prior to the pandemic, the Loveland Fishing Program was open 7 days per week and the typical weekly cost to operate the program is $2,700. Estimated weekly additional staff costs to operate the Loveland Fishing Program in compliance with health orders is approximately $1,000 and could be significantly more if staff needs to be onsite full time. Currently, an outside contractor services the portable toilets once per week. To service the portable toilets daily (7 days/week) would cost an additional $700 per week.

Prior to the pandemic, the Sweetwater Fishing Program was open 3 days per week and the typical weekly cost to operate the program is $1,200. Estimated weekly additional staff costs to operate the Sweetwater Fishing Program is $400 and could be significantly more if staff needs to be onsite full time. Currently, an outside contractor services the portable toilets once per week. To service the portable toilets daily (3 days/week) would cost an additional $630 per week.

As stated above, for the Loveland Fishing Program, there are no revenue sources to cover the costs to operate the program. For the Sweetwater Fishing Program, the revenue sources do not fully cover the costs to operate the program.
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POLICY
The Loveland Fishing Program was established as part of a property exchange agreement and legal analysis would need to be conducted to determine what discretion the Authority has in how it is operated.

The Sweetwater Fishing Program was established by the Authority and the Authority has full discretion how it is operated.

ALTERNATIVES
1. Direct staff to keep both Fishing Programs closed, continue to monitor current County Health Officer Orders, and re-examine potential reopening in August.

2. Direct staff to prepare and implement a Safe Reopening Plan and implement measures in compliance with the applicable State COVID-19 Industry Guidance, for one or both of the Fishing Programs utilizing current resources (may result in a reduced level of service such as hours/days of operation).

3. Direct staff to develop a Safe Reopening Plan and implement measures in compliance with the applicable State COVID-19 Industry Guidance for one or both Fishing Programs providing the pre-COVID-19 level of service, which will require resources to cover the additional costs.

COVID-19 PANDEMIC RESPONSE TEAM RECOMMENDATION
The Authority’s COVID-19 Pandemic Response Team recommends that the Authority keep both Fishing Programs closed, continue to monitor current County Health Officer Orders, and re-examine potential reopening in August.

ATTACHMENT
Summary of San Diego County Health Officer Order Provisions Applicable to Recreational Activities
The following is a summary of the evolution of the requirements applicable to the Fishing Programs as set out in the Health Officer Orders, to which the Sweetwater Authority is bound:

- **Effective March 29, 2020:** “Government entities shall enforce social distancing requirements at all beaches and parks; if a government entity is unable to enforce social distancing at a beach or park, it shall be closed to the public.” (Section 1(f), March 27 Health Officer Order effective March 29, 2020.)

- **Effective April 3, 2020:** “All public parks and recreation areas including public beaches shall comply with Section 1p above. Parking lots at such facilities shall be closed and all such facilities shall be accessible only from members of the public within walking distance of the facility. Said facilities shall be used solely for walking, hiking equestrian or bicycle riding. The public shall not congregate or participate in active sport activities at said facilities.” (Section 1(r), Addendum 1 to March 27 Health Officer Order effective April 3, 2020.)
  
  - Section 1(p) required a “Social Distancing and Sanitation Protocol” be prepared prior to permitting members of the public to enter the recreation facility (Section 1(p), Addendum 1 to March 27 Health Officer Order effective April 3, 2020.)

  - From April 3, 2020 through April 30, 2020 three more San Diego County Public Health Officer Orders were issued.
    
    - All retained the requirement that parking lots at recreational facilities be closed and recreational spaces only be available to members of public who reside within walking distance remained.

    - Additional language was included requiring closure of any recreation areas “where social distancing requirements cannot be effectively implemented.” (April 9 Health Officer Order effective April 9; April 10th Health Order effective; and April 24 Health Officer Order effective April 27.)

- **Effective on April 10, 2020:** Gatherings of more than one person in a single room or single indoor or outdoor space at the same time, were prohibited, unless the gathering consisted only of members of a single family or household. The previous Health Officer Orders prohibited gatherings of more than 10 people. (Sections 2 and 17(b), April 9, 2020 Health Officer Order effective March 10, 2020.)

  - Effective on May 1, 2020: Certain types of recreation areas and facilities were permitted to open parking lots to 50 percent capacity, and the public was permitted to visit parks and recreation areas for which a “Parks-Beaches-Social-Distancing Protocol” but no gatherings of more than one person was permitted unless they were members of a single family or household. (Section 12, April 30 Health Officer Order effective May 1, 2020.)
From May 1-June 30, 2020: The following additional Health Officer Orders were issued:

- May 7 (effective May 8)
- May 8 (effective May 9)
- May 9 (effective May 10)
- May 21 (effective immediately)
- May 22 (effective immediately)
- May 27 (effective May 27)
- May 29 (effective June 2)
- June 4 (effective June 4)
- June 8 (effective June 9)
- June 15 (effective June 16)
- June 18 (effective June 19)
- June 30 (effective July 1)

Effective July 6, 2020: The Health Officer Order currently in effect was issued and effective on July 7 2020.