

**SWEETWATER AUTHORITY GOVERNING BOARD
MINUTES OF THE REGULAR MEETING**

March 9, 2022

The Governing Board of Sweetwater Authority held a Regular meeting on Wednesday, March 9, 2022. Pursuant to provisions provided for by Assembly Bill 361, this meeting was held via teleconference. Vice Chair Martinez-Perez called the meeting to order at 6:05 p.m.

*(*Note: After calling the meeting to order, Vice Chair Martinez-Perez established for the record that all Directors were able to hear the proceedings, that all members of the Board were able to hear the Directors participating by teleconference clearly, and that all votes would be taken by a roll call vote pursuant to the provisions of the Brown Act. Vice Chair Martinez-Perez further established for the record the process by which public comments would be received by the Board, which process was also described in the Agenda for the meeting.)*

- **Roll Call**

Directors Present: *Josie Calderon-Scott, (6:11 p.m.), Hector Martinez, Paulina Martinez-Perez, Jose Preciado, *Mona Rios (6:22 p.m.), and Alejandra Sotelo-Solis.

Directors Absent: Steve Castaneda

Management, Staff, and Others Present: General Manager Carlos Quintero, Legal Counsel Paula de Sousa, and Board Secretary Ligia Perez. Staff members: Engineering Manager Christopher Bauer, Director of Water Quality Justin Brazil, Interim Director of Engineering Erick Del Bosque, Administrative Assistant Michael Garcia, Director of Finance Rich Stevenson, Director of Administrative Services Dina Yorba. Others present: Andre Monette of Best Best & Krieger; Andy Komar with PACE, Inc.; and Ahmad Esmailpour.

- **Pledge of Allegiance to the Flag**

- **Opportunity for Public Comment** (Government Code Section 54954.3)

Ahmad Esmailpour commented on the recent denial of his request for a second One-time Bill Adjustment for his water bill.

(Note: Director Calderon-Scott entered the meeting at 6:11 p.m.)

- **Chair's Presentation**

ACTION CALENDAR AGENDA

1. Items to be Added, Withdrawn, or Reordered on the Agenda
There was none.

2. Approval of Minutes – Regular Board Meeting of February 23, 2022

Director Preciado made a motion, seconded by Director Calderon-Scott, that the Governing Board approve the minutes of the Regular Board meeting of February 23, 2022. The motion carried unanimously, with Directors Castaneda and Rios absent.

Consent Calendar Items

Director Preciado made a motion, seconded by Director Calderon-Scott, that the Governing Board approve the consent calendar. The motion carried unanimously, with Directors Castaneda and Rios absent.

3. Findings to Continue Holding Remote/Teleconference Meetings Pursuant to Assembly Bill 361
Recommendation: Make the following findings: 1) The Governor-declared COVID-19 State of Emergency remains in effect and the Board has reconsidered the circumstances of the COVID-19 State of Emergency; 2) State or local officials continue to impose or recommend measures to promote social distancing; and 3) For the next thirty (30) days, the meetings of the Board, its committees, and any other Authority legislative bodies including the Citizens Advisory Committee, shall be held pursuant to the provisions of Government Code section 54953(e), allowing legislative body members and members of the public to participate in meetings remotely in accordance with that section.
4. Consideration of Second One-time Adjustment to Customer Water bill – Norberto Avila (Finance and Administration Committee Meeting of 3/2/22)
Recommendation: Deny Mr. Avila's request for a second one-time adjustment and allow him to enter into an extended payment plan to pay the balance of \$649.80.
5. Review of Board Policies and Procedures (Policies 521, 522, and 601 through 608) (Finance and Administration Committee Meeting of 3/2/22)
Recommendation: Approve Board Policies 521 and 601 through 608 as presented; and continue Board Policy 522 to allow the Sweetwater Authority Chair, Vice Chair, and Citizens Advisory Committee Chair to discuss further changes to section VI, and bring back the changes to the Board for review within 60 days.
6. Consideration to Award a Contract for Portable Toilet Rental and Services to Diamond Environmental Services, LLP (Water Quality and Distribution Committee Meeting of 3/2/22)
Recommendation: Award a contract for Portable Toilet Rental and Services to the sole responsive bidder, Diamond Environmental Services, LLP, San Marcos, CA, for a one (1) year period in the amount of \$31,246.80 with four (4) annual renewal options not to exceed \$31,246.80, for a total five-year cost of \$156,235.00.
7. "Richard A. Reynolds Desalination Facility Sodium Hypochlorite Storage Tank," presented by Justin Brazil, Director of Water Quality, Sweetwater Authority (Information Item) (Water Quality and Distribution Committee Meeting of 3/2/22)
Recommendation: No action was required by the Governing Board.

Action and Discussion Items

8. Consideration of Design Recommendations for the National City Wells Iron and Manganese Removal System Project (Engineering, Capital, and Development Services Committee Meeting of 2/28/22)

Recommendation: Accept the consultant's design recommendations for the proposed Iron and Manganese removal System and direct staff to submit the consultant's report to the State Water Resources Control Board, Division of Drinking Water, for its review and approval, before continuing with design.

(Note: Director Rios entered the meeting at 6:22 p.m.)

Director Rios made a motion, seconded by Director Martinez-Perez, that the Governing Board accept the consultant's design recommendations for the proposed Iron and Manganese removal System and direct staff to submit the consultant's report to the State Water Resources Control Board, Division of Drinking Water, for its review and approval, before continuing with design. The motion carried unanimously, with Director Castaneda absent.

- 9 Recommendation to Authorize Additional Design Scope Items for the Cathodic Protection at Steel Storage Tanks Project and Construction Deferment (Engineering, Capital, and Development Services Committee Meeting of 2/28/22)
- Recommendation: Direct staff to authorize the additional design scope items in the amount of \$42,114 for the cathodic protection project at three steel storage tanks (Bonita Highlands # 1, Bonita Highlands #2, and McMillan), and defer the implementation of the project until staff is able to refine the construction budget.

Director Preciado made a motion, seconded by Director Calderon-Scott, that the Governing Board direct staff to authorize the additional design scope items in the amount of \$42,114 for the cathodic protection project at three steel storage tanks (Bonita Highlands # 1, Bonita Highlands #2, and McMillan), and defer the implementation of the project until staff is able to refine the construction budget. The motion carried unanimously, with Director Castaneda absent.

10. New Business

Association of California Water Agencies (ACWA): Call for Candidate Nominations for the Region 10 Board - Remainder of the 2022-2023 Term

No action was taken by the Governing Board.

11. Approval of Directors' Attendance at Meetings and Future Agenda Items

A. Per diem approval for Director Rios' meeting with the General Manager to discuss the SDCWA Administrative & Finance Meeting – February 14, 2022

B. Per diem approval for Director Rios' meeting with the General Manager to prepare for the SDCWA Board meeting – February 21, 2022

Director Martinez-Perez made a motion, seconded by Director Calderon-Scott, that the Governing Board approve per diem for items 11.A. and 11.B. The motion carried unanimously, with Director Castaneda absent.

REPORTS AND INFORMATIONAL ITEMS

12. COVID-19 Pandemic Delayed Revenue Balance Dashboard

13. Committee Minutes

14. Committee Look Ahead

- Finance and Administration Committee Six-Month Look Ahead FY 2021-22 Q3 & Q4 (Information Item) (Finance and Administration Committee Meeting of 3/2/22)
Recommendation: No action was required by the Governing Board.

15. Report of Legal Counsel

Legal Counsel de Sousa commented on two bills in the state legislature related to virtual meeting participation; and a state initiative cleared for signature circulation which would impose further restrictions on public agencies when raising revenue.

16. Report of Management

General Manager Quintero commented that staff will soon begin posting audio and video of Authority meetings to the website.

17. Reports by Directors on Events Attended

A. Other Events Attended

There were none.

18. Directors' Comments

There were none.

CLOSED SESSION

At 7:12 p.m. the Board convened in Closed Session for:

A. Conference with Legal Counsel – Initiation of Litigation pursuant to Government Code Section 54956.9 (d)(4): One Potential Case

There was no need for closed session on the following item:

B. Conference with Legal Counsel – Existing Litigation pursuant to Government Code Section 54956.9 (d)(1):

United States, et al. ex rel John Hendrix v. J-M Manufacturing Company Inc., and Formosa Plastics Corporation, U.S.A., Case No. ED CV06-00055-GW

There were no minutes taken, and the session was not audio-recorded.

The Board came out of Closed Session at 8:03 p.m. and reconvened in open session at 8:04 p.m., with Directors Calderon-Scott, Martinez, Martinez-Perez, Preciado, Rios, and Sotelo-Solis present. There was no reportable action taken by the Governing Board.

19. Adjournment

With no further business before the Board, Chair Sotelo-Solis adjourned the meeting at 8:05 p.m.

Alejandra Sotelo-Solis, Chair

Attest:

Ligia Perez, Board Secretary