

# REVISED

## SWEETWATER AUTHORITY GOVERNING BOARD MINUTES OF THE REGULAR MEETING

April 8, 2020

The Governing Board of Sweetwater Authority held a Regular meeting on Wednesday, March 11, 2020. Pursuant to Governor Newsom's Executive Orders N-29-20 and 33-20, this meeting was held via teleconference. Chair Castaneda called the meeting to order at 6:03 p.m.

*(\*Note: After calling the meeting to order, Chair Castaneda 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. Chair Castaneda 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, Jerry Cano, Steve Castaneda, José F. Cerda, Hector Martinez, Jose Preciado, and Alejandra Sotelo-Solis

Directors Absent: None.

Management, Staff, and Others Present: General Manager Tish Berge, Assistant General Manager Jennifer Sabine, Legal Counsel Paula de Sousa, and Board Secretary Ligia Perez. Staff Members: Director of Water Quality Justin Brazil, Biologist Pete Famolaro, Director of Engineering Ron Mosher, and Director of Finance Rich Stevenson. Others present: Legal Counsel Lutfi Kharuf of Best, Best, & Krieger.

- **Pledge of Allegiance to the Flag**

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

There were none.

- **Chair's Presentation**

A. COVID-19 Update

B. Consideration to Adopt Resolution 20-09 – Designation of Applicant's Agent Resolution for Non-State Agencies

Upon a motion made by Director Sotelo-Solis, seconded by Director Preciado, the following resolution:

### RESOLUTION NO. 20-09

### DESIGNATION OF APPLICANT'S AGENT RESOLUTION FOR NON-STATE AGENCIES

was passed and adopted by the following vote to wit:

Ayes: Directors Calderon-Scott, Cano, Cerda, Castaneda, Martinez, Preciado, and Sotelo-Solis  
 Noes: None  
 Absent: None  
 Abstain: None

### **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 Items to be Added, Withdrawn, or Reordered on the Agenda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 March 25, 2020

**Director Sotelo-Solis made a motion, seconded by Director Cerda, that the Governing Board approve the minutes of the Regular Board Meeting of March 25, 2020. The motion carried unanimously.**

#### **Consent Calendar Items**

**Chair Castaneda recused himself from consideration of Agenda Item 3 (approval of San Diego Gas & Electric Demands and Warrants – check number 153158) due to his contract with Sempra Energy, parent company of SDG&E, which Chair Castaneda disclosed on the record.**

Director Martinez pulled item 7 for discussion and Director Calderon-Scott pulled item 4 for discussion.

**Director Sotelo-Solis made a motion, seconded by Director Martinez, that the Governing Board approve consent calendar items 3, 5, and 6. The motion carried unanimously.**

3. Approval of San Diego Gas & Electric Demands and Warrants – Check number 153158
5. Request for Remote Service – Orange Street Partners, A.P.N. 561-160-16-00, 1628 Orange Street, National City (Operations Committee Meeting of 4/1/20)  
Recommendation: Approve the request for remote service, with the owner paying all costs associated with the installation of the new water services pursuant to the Rates and Rules.
6. Consideration to Adopt Addendum No. 1 to the Mitigated Negative Declaration for the Sweetwater Reservoir Wetlands Habitat Recovery Project (Operations Committee Meeting of 4/1/20)  
Recommendation: Adopt Resolution 20-08, adopting Addendum No. 1 to the Mitigated Negative Declaration and a Mitigation Monitoring and Reporting Program for the Sweetwater Reservoir Wetlands Habitat Recovery Project and Approving the Modified Project.

### Items Pulled from Consent Calendar for Discussion

4. Approval of Demands and Warrants – check number 153125 through 153183 and electronic fund transfers 33347 through 33778 (excluding the San Diego Gas & Electric Demands and Warrants)

**Director Sotelo-Solis made a motion, seconded by Director Cerda, that the Governing Board approve the Demands and Warrants. The motion carried unanimously.**

7. Consideration to Study Providing Special Rates to Senior Citizens (Finance and Personnel Committee Meeting of 4/1/20)

Recommendation: Take no action and direct staff to provide the staff report.

**Director Martinez made a motion, seconded by Director Cano, that the Governing Board continue this item to a future Board meeting and directed staff and legal counsel to research approaches other agencies have implemented. The motion carried, with Directors Calderon-Scott, Cano, Castaneda, Cerda, Martinez, and Sotelo-Solis in favor, and Director Preciado opposing.**

### Action and Discussion Items

8. Consideration to Procure Time and Materials Paving and Concrete Contracting Services (Operations Committee Meeting of 4/1/20)

Recommendation: Waive the application of the Authority's Procurement Policy regarding competitive bidding for Construction Projects in excess of \$75,000 for the procurement of T&M Paving Services; use the procurement documents being developed for the General Construction Contractor(s) with input and guidance from legal counsel as the basis for the procurement of T&M Paving Services; direct staff to bring proposals to the Operations Committee for consideration and recommendation to the Governing Board; and direct staff to perform a search of paving and concrete contracting companies within the service area and mail the Request for Proposals to them.

**Director Martinez made a motion, seconded by Director Calderon-Scott, that the Governing Board waived the application of the Authority's Procurement Policy regarding competitive bidding for Construction Projects in excess of \$75,000 for the procurement of T&M Paving Services; approved the use of procurement documents being developed for the General Construction Contractor(s) with input and guidance from legal counsel as the basis for the procurement of T&M Paving Services; directed staff to bring proposals to the Operations Committee for consideration and recommendation to the Governing Board; and directed staff to perform a search of paving and concrete contracting companies within the service area and mail the Request for Proposals to them. The motion carried unanimously.**

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

- A. Per diem approval for Chair Castaneda and Vice Chair Martinez to meet with the General Manager to prepare for the April 16, 2020 Special Board Meeting – April 2 and April 7, 2020

**Director Martinez made a motion, seconded by Chair Castaneda, that the Governing Board approve per diem for Chair Castaneda and Vice Chair Martinez to meet with the General**

Manager to prepare for the April 16, 2020 Special Board Meeting – April 2 and April 7, 2020.  
**The motion carried unanimously.**

B. Association of California Water Agencies (ACWA) 2020 Spring Conference, Monterey, CA – July 28-31, 2020 (Notes: Registration deadline is April 17)

No action was required by the Governing Board.

## **REPORTS AND INFORMATIONAL ITEMS**

10. Committee Minutes

11. Report of Legal Counsel

Legal Counsel de Sousa reported on continuing to work with Authority staff on the ever-changing landscape during the COVID-19 pandemic.

12. Management Report

- Recent/Upcoming Community Events (No Enclosures):

- Day of Play at Olivewood Gardens – July 18, 2020
- Presentation to the Chula Vista Chamber of Commerce Utilities Subcommittee – July 29, 2020

General Manager Berge reported on:

- Phone call meeting with Mike Sampsel and Dave Schlesinger from the Sweetwater Authority Ratepayers Association and Director Martinez regarding employee costs calculation, the recent water rate study, and SARPA's outreach to the San Diego County Taxpayers Association in early 2020.
- Completed the Risk and Resilience Assessment and uploaded it to the U.S. EPA in compliance with the American Water Infrastructure Act
- The Feasibility Study consultant will present its first deliverable at the May 13, 2020 Regular Board meeting
- Provided a review of agendas for the April 15, 2020 Operations and Finance and Personnel Committee meetings and the April 16, 2020 Special Board meeting.

13. Reports by Directors on Events Attended – There were none.

14. Directors' Comments

Director Sotelo-Solis commented on the City of National City's successful teleconference meeting; meeting topic included procedures for residential and commercial tenants impacted by the COVID-19 pandemic.

Director Preciado complimented Chair Castaneda and Vice Chair Martinez for their involvement in providing clear and accurate information to the public and that the Authority is seen as a viable and strong organization; statement from the public thanking the Authority for the reverse 911 calls and postcards; thanked staff for their contributions; and commented on his involvement in housing organization and their efforts in clarifying that the moratorium does not mean rent is being forgiven, rather being deferred.

Director Martinez commented on his desire for more discussion with Board members; and that the automated phone call regarding no water shut-offs during the pandemic by the Authority was very professional and commended staff for their work.

Director Cerda commented on the anxiety people have about their jobs, rentals, and the future during the COVID-19 pandemic; and commended board leadership and staff for maintaining consistency within the community, and ensuring everyone is informed the water is safe and reliable.

Director Cano thanked staff for being on the front lines during this time; commented on the City of National City providing sandbags for businesses for a potential flood; ensuring plenty of Personal Protective Equipment (PPE) is available to staff and contractors and that there is proper disposal of PPE; and on allocating funds to relocate the Arroyo toad.

Director Calderon-Scott praised Chair Castaneda and Vice Chair Martinez for their leadership during the COVID-19 pandemic; appreciated previous comments regarding clarification on rental moratorium; and to beware of scammers during the pandemic and how MABPA was hacked of about \$30,000.

Chair Castaneda commended staff for looking for opportunities to communicate with customers and share facts during the COVID-19 pandemic.

#### CLOSED SESSION

At 7:55 p.m., the Board convened in closed session with legal counsel for:

A. Conference with Labor Negotiator pursuant to Government Code Section 54957.6

Agency Negotiators: Frances Rogers, Special Labor Counsel  
Tish Berge, General Manager  
Jennifer Sabine, Assistant General Manager

Employee Organizations: Sweetwater Authority Employees' Committee  
Sweetwater Authority Middle Management Group  
Sweetwater Authority Confidential Group

B. Conference with Real Property Negotiators pursuant to Government Code Section 54956.8: One Case

Property: Assessor Parcel Number: 521-030-06-00

Agency Negotiators: Tish Berge, General Manager  
Jennifer Sabine, Assistant General Manager  
Ron Mosher, Director of Engineering  
Paula de Sousa, Legal Counsel

Negotiating Party: Emil S. Thiefe

Under Negotiation: Price and Terms

There was no need for closed session on item:

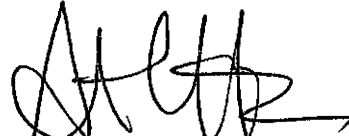
C. Conference with Legal Counsel – Existing Litigation pursuant to Government Code Section 54956.9 (d)(1):

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. At 8:27 p.m., Chair Castaneda declared the meeting to be in open session. No reportable action was taken by the Governing Board.

15. Adjournment

With no further business before the Board, Chair Castaneda adjourned the meeting at 8:27 p.m.



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Steve Castaneda, Chair

Attest:



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Ligia Perez, Board Secretary