

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

April 14, 2021

The Governing Board of Sweetwater Authority held a Regular meeting on Wednesday, April 14, 2021. Pursuant to Governor Newsom’s Executive Orders N-29-20 and 33-20, this meeting was held via teleconference. Chair Martinez called the meeting to order at 6:00 p.m.

*(*Note: After calling the meeting to order, Chair Martinez 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 Martinez 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, *Steve Castaneda (*left meeting at 8:15 p.m.*), Hector Martinez, Paulina Martinez-Perez, Jose Preciado, Mona Rios, and Alejandra Sotelo-Solis.

Directors Absent: None.

Management, Staff, and Others Present: Interim General Manager Jennifer Sabine, Legal Counsel Paula de Sousa, and Board Secretary Ligia Perez. Staff Members: Director of Water Quality Justin Brazil, Engineering Manager Erick Del Bosque, Administrative Assistant Michael Garcia, Environmental Project Manager Israel Marquez, Director of Engineering Ron Mosher, Public Affairs Manager Leslie Payne, Interim Director of Distribution Carl Quiram, Director of Finance Rich Stevenson, and Director of Administrative Services Dina Yorba. Others Present: Arcelia Magaña of Citizens Advisory Committee; Albert Maldonado, Alison Alpert, and Andre Monette of Best, Best, & Krieger; and Andy Sells of the Association of California Water Agencies – Joint Powers Insurance Authority.

- **Pledge of Allegiance to the Flag**

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

Russell Walsh submitted written comments regarding the Federal Land Transfer and public access and recreation at Loveland Reservoir, which were read onto the record by the Board Secretary pursuant to the Authority's established process for public comments.

- **Chair’s Presentation**

A. Citizens Advisory Committee Quarterly Update from Chair Arcelia Magaña

- B. Presentation of Refund Check by Andy Sells, Chief Executive Officer, Association of California Water Agencies - Joint Powers Insurance Authority

ACTION CALENDAR AGENDA

1. Public Hearing

Opportunity for members of the public to address the Board concerning the “Mitigated Negative Declaration (MND) and the Mitigation Monitoring and Reporting Program (MMRP) under the California Environmental Quality Act for the Central-Wheeler Tank and System Improvements Project occurring within the community of Sunnyside in San Diego County and proposed approval of the Project”

Chair Martinez announced that the Governing Board of Sweetwater Authority is conducting a public hearing to receive public comments concerning the “Mitigated Negative Declaration (MND) and the Mitigation Monitoring and Reporting Program (MMRP) under the California Environmental Quality Act for the Central-Wheeler Tank and System Improvements Project occurring within the community of Sunnyside in San Diego County

At 6:26 p.m., Chair Martinez opened the Public Hearing. Interim General Manager Sabine provided an overview of the program and Engineering Manager Del Bosque provided a presentation.

Chair Martinez provided an opportunity for comments by the members of the Board. He then provided an opportunity for public comments and stated that each speaker has three minutes to speak. There were no comments from the public.

At 6:43 p.m., Chair Martinez closed the Public Hearing.

2. Consideration to Adopt Resolution 21-07, Adopting a Mitigated Negative Declaration and a Mitigation Monitoring and Reporting Program under the California Environmental Quality Act for the Central Wheeler Tank and System Improvements Project and Approving the Project (Operations Committee Meeting of 4/7/21)
Recommendation: Adopt Resolution 21-07, Adopting a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the Central-Wheeler Tank and System Improvements Project and Approving the Project

Upon a motion by Director Preciado, seconded by Director Castaneda, the following resolution was adopted:

RESOLUTION 21-07

**RESOLUTION OF THE GOVERNING BOARD OF SWEETWATER AUTHORITY
ADOPTING A MITIGATED NEGATIVE DECLARATION, AND ADOPTING A
MITIGATION MONITORING AND REPORTING PROGRAM UNDER THE CALIFORNIA
ENVIRONMENTAL QUALITY ACT FOR THE CENTRAL-WHEELER TANK AND
SYSTEM IMPROVEMENT PROJECT AND APPROVING THE PROJECT (State
Clearinghouse #2020120553)**

was passed and adopted by the following vote to wit:

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

3. Items to be Added, Withdrawn, or Reordered on the Agenda

There were none.

4. Approval of Minutes - Regular Board Meeting of March 24, 2021

Director Preciado made a motion, seconded by Director Rios, that the Governing Board approve the minutes of the Regular Board meeting of March 24, 2021. The motion carried unanimously.

Consent Calendar Items

Director Calderon-Scott pulled items 5 and 7 for discussion.

Director Castaneda made a motion, seconded by Director Rios, that the Governing Board approve consent calendar items 6 and 8. The motion carried unanimously.

6. Consideration to Approve Mutual Aid Agreement with the San Diego County Water Authority and Its Member Agencies; and Interagency Shared Resources Program with Helix Water District, Lakeside Water District, Otay Water District, and Padre Dam Municipal Water District (Finance and Personnel Committee Meeting of 4/7/21)
Recommendation: Authorize the Interim General Manager to sign and execute the Mutual Aid Agreement with the San Diego County Water Authority and its Member Agencies; and the Interagency Shared Resources Program with Helix Water District, Lakeside Water District, Otay Water District, and Padre Dam Municipal Water District
8. Consideration to Authorize Repair of Desalination Facility San Diego Formation Wells (Operations Committee Meeting of 4/7/21)
Recommendation: Utilize remaining funds in the Booster Pump and Motor Replacement Efficiency Program Capital Project in the amount of \$71,379 and transfer funds in the amount of \$148,621 from the Capital Contingency Fund; and allow Brax of Valley Center, CA, to complete the repairs of SDF 8 and SDF 11

ITEM PULLED FROM CONSENT CALENDAR

5. Review of Board Policies and Procedures (520, 521, and 601 through 608) – Second Review (Finance and Personnel Committee Meeting of 4/7/21)
Recommendation: Approve the Board Policies as presented.

Director Rios made a motion, seconded by Director Preciado, that the Governing Board approve the Board Policies as presented. The motion carried unanimously.

- 7. Authorized use of Lease Revenue and ACWA/JPIA Refunds (Information Item)
(Finance and Personnel Committee Meeting of 4/7/21)

Recommendation: No action was required by the Governing Board

No action was required by the Governing Board.

Action and Discussion Items

- 9. Old and Unfinished Business

- A. Consideration of Relevant Citizens Advisory Committee Issues

Director Preciado made a motion, seconded by Director Castaneda, that the Governing Board approve the Citizens Advisory Committee list of relevant issues. The motion carried unanimously.

- B. Developer Feedback Mechanism – Review of Post-Project Evaluation Form from Developers

Director Preciado made a motion, seconded by Director Calderon-Scott, that the Governing Board approve the evaluation form with the revisions made by legal counsel; and direct staff to bring back this item to the Board in six months. The motion carried unanimously.

- 10. New Business

Approval of Interim General Manager Employment Agreement with Jennifer Sabine and Consideration to Adopt Resolution 21-06, Adopting the revised FY 2020-21 Salary Pay Schedule for All Employees

Director Preciado made a motion, seconded by Director Sotelo-Solis, that the Governing Board approve the Interim General Manager Employment Agreement with Jennifer Sabine; and adopt Resolution 21-06.

RESOLUTION 21-06

**RESOLUTION OF THE GOVERNING BOARD OF SWEETWATER AUTHORITY
ADOPTING A SALARY SCHEDULE FOR ALL EMPLOYEES
EFFECTIVE APRIL 14, 2021**

was passed and adopted by the following vote to wit:

Ayes: Directors Calderon-Scott, Castaneda, Martinez, Martinez-Perez,
Preciado, Rios, and Sotelo-Solis

Noes: None

Absent: None

Abstain: None

11. Approval of Directors' Attendance at Meetings and Future Agenda Items
 - A. Per diem approval for Director Rios' attendance at the CSDA Board Member Best Practices webinar – March 2, 2021
 - B. Per diem approval for Director Calderon-Scott meeting with the General Manager and Director of Finance to discuss the Preferential Purchasing for Local Businesses Policy – March 2, 2021
 - C. Per diem approval for Directors meeting with Bob Murray & Associates
 - D. Council of Water Utilities Virtual Meeting, – Tuesday, April 20, 2021, 8:00 a.m. – Program Title: (to be announced)
 - E. Per diem approval for Directors who wish to attend the ACWA Spring Virtual Conference – May 12-13, 2021 (*Note: Registration deadline is May 7, 2021*)

Director Castaneda made a motion, seconded by Director Martinez-Perez, that the Governing Board approve per diem for items 11. A through 11. E. The motion carried unanimously.

REPORTS AND INFORMATIONAL ITEMS

12. COVID-19 Pandemic Delayed Revenue Balance Dashboard
13. Committee Minutes
14. Informational Reports
 - Quarterly Report of One-time Water Bill Adjustments – Third Quarter FY 2020-21
 - Quarterly Report of Directors' Expenses – Third Quarter FY 2020-21
 - Quarterly Consultant Report – Third Quarter FY 2020-21
 - Quarterly Vendor Agreement Listing – Third Quarter FY 2020-21
15. Report of Legal Counsel
 - Presentation on AB 992 (Open meetings: local agencies: social media)

Legal Counsel de Sousa and Albert Maldonado provided a presentation on AB 992.
16. Report of Management

Interim General Manager Sabine reported on:

 - Introduced Carl Quiram as the Interim Director of Distribution;
 - Fix-A-Leak Month was extended to the end of the fiscal year due to remaining funds. This program will also be promoted at the upcoming 2021 South Bay Earth Day Virtual Event on April 22nd;
 - Hybrid Board meetings will resume April 28th; and
 - Agenda items for the upcoming Special Board meeting, Operations Committee, and the Finance and Personnel Committee meetings.

(Note: Director Castaneda left the meeting at 8:15 p.m.)

17. Reports by Directors on Events Attended

A. South County Economic Development Council (SCEDC) Meeting – April 6, 2021

This report was deferred to the next Board meeting.

B. Other Events Attended

There were none.

18. Directors' Comments

Director Calderon-Scott thanked staff for the mail-out inserts regarding the opportunities for local businesses, and shared that she received positive comments from district constituents.

Director Rios commented on a recent onboarding meeting with staff regarding Authority partnerships and sponsorships; announced an upcoming event at the Olivewood Gardens; and the potential project between Hydro Station partner Chula Vista Elementary School District and the Port of San Diego.

Vice Chair Sotelo-Solis commented on the COVID-19 vaccination efforts.

Director Martinez-Perez commented on the Authority partnerships; and the reopening of classrooms.

Director Preciado commented that this was a good meeting.

Chair Martinez commented on the effective weekly updates provided to the Board by Interim General Manager.

CLOSED SESSION

At 8:24 p.m. the Board convened in closed session for:

A. Conference with Legal Counsel – Anticipated Litigation – Significant Exposure to Litigation pursuant to Government Code Section 54956.9 (d)(2): One Case

B. Public Employee Appointment pursuant to Government Code Section 54957:
Title: General Manager

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.

The Board reconvened in open session at 9:31 p.m., with Directors Calderon-Scott, Martinez, Martinez-Perez, Rios, and Sotelo-Solis in attendance. Legal Counsel de Sousa reported that the Board came out of Closed Session at 9:30 p.m. There was no reportable action taken by the Governing Board.

19. Adjournment

With no further business before the Board, Chair Martinez adjourned the meeting at 9:32 p.m.



Hector Martinez, Chair

Attest:



Ligia Perez, Board Secretary