

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

**April 22, 2020**

The Governing Board of Sweetwater Authority held a Regular meeting on Wednesday, April 22, 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 6:04 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, Administrative Assistant Michael Garcia, Distribution Manager Nathan Golder, Equipment Mechanic Supervisor Daniel Hayes, Director of Engineering Ron Mosher, Director of Finance Rich Stevenson, and Director of Administrative Services Dina Yorba. Others present: Labor Counsel Alison Alpert and Lindsay Puckett 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. Review of Resolution 20-07 – Declaring an Emergency Due to COVID-19 Health Pandemic

**Director Calderon-Scott made a motion, seconded by Director Martinez, that the Governing Board direct staff to extend the Declaration of an Emergency Due to the COVID-19 Health Pandemic until May 15, 2020; and that an amendment to Resolution 20-07 be brought back to the Board for consideration to amend and include language proposed by Director Calderon-Scott.**

**Director Sotelo-Solis made a substitute motion, seconded as Director Preciado, that the Governing Board approve Resolution 20-07 as presented. The substitute motion failed with Directors Calderon-Scott, Cano, Castaneda, and Martinez opposed, and Directors Cerda, Preciado, and Sotelo-Solis in favor.**

**Director Calderon-Scott made a motion, seconded by Director Martinez, that the Governing Board direct staff to extend the Declaration of an Emergency Due to the COVID-19 Health Pandemic until May 15, 2020; and that an amendment to Resolution 20-07 be brought back to the Board for consideration to amend and include language proposed by Director Calderon-Scott. The motion carried with Directors Calderon-Scott, Cano, Castaneda, Cerda, Martinez, and Preciado in favor, and Director Sotelo-Solis opposing.**

C. COVID-19 Pandemic Delayed Revenue Balance Dashboard

D. Comments from the Public Regarding Agency Staff

### **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 April 8, 2020

**Director Preciado made a motion, seconded by Director Cerda, that the Governing Board approve the minutes of the Regular Board Meeting of April 8, 2020 with the revision to change “scammed” to “hacked” under Director’s Comments. 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 numbers 153218 and 153277) due to his contract with Sempra Energy, parent company of SDG&E, which Chair Castaneda disclosed on the record.**

**Director Preciado made a motion, seconded by Director Cerda, that the Governing Board approve the consent calendar. The motion carried unanimously.**

3. Approval of San Diego Gas & Electric Demands and Warrants – Check numbers 153218 and 153282
4. Approval of Demands and Warrants – check number 153184 through 153183 and electronic fund transfers 33779 through 33880 (excluding the San Diego Gas & Electric Demands and Warrants)

## Action and Discussion Items

5. Consideration to Provide a Summary of Future Items to be Considered by the Committees (Item Requested by Director Calderon-Scott) (Operations Committee Meeting of 4/15/20)

Recommendation: Direct staff to include in the FY 2020-21 Strategic Plan Work Plan which Committee (or the Governing Board) will consider each work item.

**Director Martinez made a motion, seconded by Director Calderon-Scott, that the Governing Board direct staff to include in the FY 2020-21 Strategic Plan Work Plan which Committee (or the Governing Board) will consider each work item. The motion carried unanimously.**

6. Consideration of Policy for the Procurement of Services (Including Construction), Supplies, and Equipment (Finance and Personnel Committee Meeting 4/15/20)

Recommendation: Approve the Committee recommended modifications to the policy to include language that sets criteria for qualifying as a local and/or disadvantaged business and sets limits on the advantage to local/disadvantaged business to cost no more than 10 percent over market; that the new policy be implemented by July 1, 2020; and that a business license in the Authority's jurisdiction qualifies as evidence of a local/disadvantaged business.

**Director Sotelo-Solis made a motion, seconded by Director Calderon-Scott, that the Governing Board direct staff to bring the policy back to the Board with the following changes to the Preferential Purchasing for Local Businesses section of the policy:**

- Add language as requested by legal counsel regarding compliance with Federal or State law;
- Add language that the business must be a rate payer in good standing;
- Add language to include small business;
- Add language that the outreach is done every six months; and
- Add language for a waiver of liability as it applies to disposition.

**The motion carried unanimously.**

7. Old Business

Consideration of Recommendations from Report of the Review of Fleet Replacement and Management Practices (Operations Committee Meeting of 4/15/20)

Recommendation: Direct staff to return to the Authority's prior replacement plan approach of evaluating fleet vehicles that are nearing, or have met the following criteria: age ten years or older; has 100, 000 miles or greater; and that the repair costs equal to or are greater than 50 percent of the original purchase price.

**Director Martinez made a motion, seconded by Chair Castaneda, that the Governing Board direct staff to return to the Authority's prior replacement plan approach of evaluating fleet vehicles that are nearing, or have met, the following minimum criteria:**

- Age – 10 years or older
- Mileage – 100,000 miles or greater
- Repair/Cost Ratio – repair costs equal to or greater than 50 percent of the original purchase price

**The motion carried with Directors Calderon-Scott, Cano, Castaneda, Martinez, and Preciado in favor, and Directors Cerda and Sotelo-Solis opposing.**

8. 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 14, 2020
  - B. Per diem approval for Director Cerda's participation in the South County Economic Development Council (SCEDC) teleconference meeting to meet its new CEO, Jim O'Callaghan – Thursday, April 9, 2020

**Director Sotelo-Solis 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 14, 2020; and for Director Cerda's participation in the South County Economic Development Council (SCEDC) teleconference meeting to meet its new CEO, Jim O'Callaghan – Thursday, April 9, 2020. The motion carried unanimously.**

## **REPORTS AND INFORMATIONAL ITEMS**

9. Committee Minutes
  10. Financial Report
    - Monthly Financials – March 2020
    - Quarterly Capital Projects Report – Third Quarter FY 2019-20
    - Quarterly Consultant Report – Third Quarter FY 2019-20
  11. Quarterly Performance Measurement Report – Third Quarter FY 2019-20
  12. Quarterly Report of One-time Water Bill Adjustments – Third Quarter FY 2019-20
  13. Quarterly Report of Directors' Expenses – Third Quarter FY 2019-20
  14. Management Report
    - Recent/Upcoming Community Events (No Enclosures):
      - Day of Play at Olivewood Gardens – July 11, 2020
      - Presentation to the Chula Vista Chamber of Commerce Utilities Subcommittee – July 29, 2020
- General Manager Berge reported on:
- Reminded the Board that Policy 510 preapproves business meetings with the General Manager and Directors to discuss issues of importance to Directors.

- Coordination with the City of Chula Vista and the Port of San Diego to participate in standing biweekly meetings where the utilities' needs for the Chula Vista Bayfront Project are discussed. The last meeting was on April 13, 2020.
- Provided a review of agendas for the next Operations and Finance and Personnel Committee meetings.

15. Report of Sweetwater Authority Director to the Association of California Water Agencies (ACWA) Membership Committee

Director Martinez reported on his first meeting of the ACWA Membership Committee. The main topic of discussion was increasing association membership.

16. Report of Representatives to the San Diego County Water Authority (SDCWA)

Director Preciado reported on his attendance at the South/East County water agencies caucus meeting; a letter the SDCWA sent to the Metropolitan Water District (MWD) requesting consideration of the current economic challenges due to COVID-19 when adopting a budget and highlighted some of the items that were included in the MWD adopted budget; Helix Water District sent a letter to SDCWA expressing similar requests that the SDCWA requested from MWD; reported on the SDCWA mid-cycle budget review; and the SDCWA is looking at legislation to seek relief for the agency and its retail agencies.

17. Reports by Directors on Events Attended –

South County Economic Development Council (SCEDC) – Thursday, April 9, 2020

Director Cerda reported that he was unable to attend the meeting and will not be receiving per diem for this event.

18. Directors' Comments

Director Sotelo-Solis commented on upcoming budget discussions, including the challenges COVID-19 brings; and the mandating of face coverings in the City of National City.

Director Preciado complimented the Communications team on their outreach and staff for their partnership with Community Through Hope.

Director Cano commented on staff continuing to be safe and communicating our efforts with the public.

Director Martinez commented on the City of National City mandating face coverings; expressed disappointment on the vote against the amending of Resolution 20-07; and further clarified comments on item 7.

Director Cerda thanked staff and employees on their outreach and to stay safe.

Director Castaneda thanked the General Manager and staff for their partnership with Community Through Hope and disclosed on the record his connection with the organization and that he was unaware of staff's effort prior to creation of the partnership, which the General Manager affirmed.

CLOSED SESSION

At 8:59 p.m., the Board convened in closed session with legal counsel for:

- A. Conference with Legal Counsel – Anticipated Litigation – Significant exposure to litigation pursuant to Government Code Section 54956.9 (d)(2): Two cases
- B. Conference with Labor Negotiator pursuant to Government Code Section 54957.6

Agency Negotiators: Alison Alpert, 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

- C. Conference with Labor Negotiator pursuant to Government Code Section 54957.6

Agency Negotiators: Alison Alpert, Labor Counsel  
Tish Berge, General Manager

Unrepresented Employees: Assistant General Manager  
Director of Administrative Services  
Director of Engineering  
Director of Distribution  
Director of Finance  
Director of Water Quality

There was no need for closed session on item:

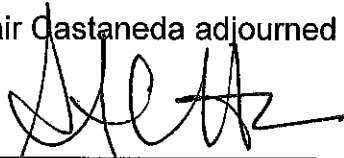
- D. Conference with Legal Counsel – Existing Litigation pursuant to Government Code Section 54956.9 (d)(1):

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 10:55 p.m., Chair Castaneda declared the meeting to be in open session. No reportable action was taken by the Governing Board.

19. Adjournment

With no further business before the Board, Chair Castaneda adjourned the meeting at 10:56 p.m.

  
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Steve Castaneda, Chair

Attest:

  
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Ligia Perez, Board Secretary