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

September 8, 2021

The Governing Board of Sweetwater Authority held a Regular meeting on Wednesday, September 8, 2021. Pursuant to Governor Newsom’s Executive Orders N-08-21, 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, 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, Customer Service Manager Gregg Harpenau-Parks, Director of Engineering Ron Mosher, Public Affairs Manager Leslie Payne, Director of Finance Rich Stevenson, and Interim Director of Distribution Carl Quiram. Others present: Alison Alpert of Best Best & Krieger; Kevin Chicas of Liebert, Cassidy Whitmore; and Carlos Quintero

- **Pledge of Allegiance to the Flag**

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

There were none.

- **Chair’s Presentation**

“Olivewood Gardens Water Bottle Filling Station,” presented by Leslie Payne, Public Affairs Manager, Sweetwater Authority

ACTION CALENDAR AGENDA

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 Items to be Added, Withdrawn, or Reordered on the Agenda

There was none.

2. Approval of Minutes

A. Special Board Meeting of August 25, 2021

B. Regular Board Meeting of August 25, 2021

Director Sotelo-Solis made a motion, seconded by Director Preciado, that the Governing Board approve the minutes of the Special Board meeting of August 25, 2021, and the Regular Board meeting of August 25, 2021. The motion carried unanimously.

Consent Calendar Items

Director Rios made a motion, seconded by Director Castaneda, that the Governing Board approve the consent calendar items. The motion carried unanimously, with Director Calderon-Scott abstaining from item number 4.

3. Update on Assistance for Delinquent Bills Related to COVID-19 and Consideration of Extension on Water Service Shutoff Moratorium (Finance and Administration Committee Meeting of 9/1/21)
Recommendation: Approve the extension of the water service shutoff moratorium to January 1, 2022, and employ the use of the Communications Consultant, once selected, to assist with arrearages program outreach.
4. Consideration to Purchase a No Discharge Flushing Truck from NO-DES, Inc. (Water Quality and Distribution Committee Meeting of 9/1/21)
Recommendation: Authorize staff to utilize funds for contracted flushing in the operating budget to purchase a 2021 Freightliner NDF truck in the amount of \$527,803.16 from NO-DES Inc., Bosque Farm, NM.
5. Consideration of Selection of Time and Materials Paving Contractor (Engineering, Capital, and Development Services Committee Meeting of 9/2/21)
Recommendation: Award an on-call, time and materials paving and concrete construction services contract to Palm Engineering Construction Company, Inc., San Diego; with the contract including a provision for annual renewals up to a total contract duration of five years, along with discontinuation of service at any time and for any reason.

Action and Discussion Items

6. Consideration of Request for Proposals for Updates to the Robert A. Perdue Water Treatment Plant Facilities Master Plan (Engineering, Capital, and Development Services Committee Meeting of 9/2/21)
Recommendation: Direct staff to issue the Request for Proposals as presented.

Director Castaneda made a motion, seconded by Director Preciado that the Governing Board direct staff to issue the Request for Proposals as presented for updates to the Robert A. Perdue Water Treatment Plant Facilities Master Plan. The motion carried unanimously.

7. Old and Unfinished Business

Consideration to Approve the Revision to Board Policy 522, Citizens Advisory Committee

Director Castaneda made a motion, seconded by Director Sotelo-Solis, that the Governing Board approve the revision to Board Policy 522 as presented. The motion carried unanimously.

8. New Business

A. Consideration to Approve Labor Agreements and Related Actions

With regard to Agenda Items 8.A.1 and 8.A.2, Legal Counsel de Sousa announced that the Unrepresented Employees of the Authority, which include the General Manager, Assistant General Manager, and Department Directors, receive the same benefits as Middle Management Employees based on the Employment Agreements of those employees. Therefore, when the Board approves the Memorandum of Understanding (MOU) for the Middle Management Group, the unrepresented employees, who are considered local agency executives, will receive the same changes in benefits. Legal Counsel de Sousa further stated that those benefits are fully described in the MOU and include a change in healthcare benefits, a change in tuition reimbursement, and a change to retiree healthcare eligibility.

- 1. Consideration to Adopt Resolution 21-16, Authorizing Execution of a Memorandum of Understanding between Sweetwater Authority and the Sweetwater Authority Confidential Group, Effective July 1, 2021

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

RESOLUTION 21-16

**RESOLUTION OF THE GOVERNING BOARD OF SWEETWATER AUTHORITY
AUTHORIZING EXECUTION OF A MEMORANDUM OF UNDERSTANDING
BETWEEN SWEETWATER AUTHORITY AND THE SWEETWATER AUTHORITY
CONFIDENTIAL GROUP, EFFECTIVE JULY 1, 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

2. Consideration to Adopt Resolution 21-17, Authorizing Execution of a Memorandum of Understanding between Sweetwater Authority and the Sweetwater Authority Middle Management Group, Effective July 1, 2021

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

RESOLUTION 21-17

**RESOLUTION OF THE GOVERNING BOARD OF SWEETWATER AUTHORITY
AUTHORIZING EXECUTION OF A MEMORANDUM OF UNDERSTANDING
BETWEEN SWEETWATER AUTHORITY AND THE SWEETWATER AUTHORITY
MIDDLE MANAGEMENT GROUP, EFFECTIVE JULY 1, 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

3. Consideration to Adopt Resolution 21-18, Adopting a Revised Pay Schedule Effective July 1, 2021, and Providing a Retention Stipend to the Interim General Manager

Legal Counsel de Sousa announced that Agenda Item 8.A.3, is the consideration of a Resolution adopting the Salary Schedule which is required by CalPERS and granting the Interim General Manager a one-time Retention Stipend in the amount of \$16,648.40. In addition, to setting the salaries that have been negotiated for all represented employees, it sets the salaries for the unrepresented employees, as the Board directed to be brought back for consideration in open session.

Legal Counsel de Sousa further announced that the proposed salaries are set forth in the salary schedule, that the unrepresented employees, other than the General Manager are proposed to have their salaries adjusted to market median and receive a 3 percent Cost of Living Increase for 2021 and that the General Manager and Interim General Manager's salary is proposed to be set at \$245,000.

Upon a motion by Director Martinez-Perez, seconded by Director Rios, the following resolution was adopted:

RESOLUTION 21-18

**RESOLUTION OF THE GOVERNING BOARD OF SWEETWATER AUTHORITY
ADOPTING A REVISED PAY SCHEDULE EFFECTIVE JULY 1, 2021 AND
PROVIDING A RETENTION STIPEND TO THE INTERIM GENERAL MANAGER**

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

B. Approval of General Manager Employment Agreement with Carlos Quintero following Negotiations of Final Terms

Director Castaneda made a motion, seconded by Director Rios, that the Governing Board approve the General Manager Employment Agreement with Carlos Quintero. The motion carried unanimously.

C. Association of California Water Agencies Region 10 Board Election 2022-2023 Term

Director Castaneda made a motion, seconded by Director Calderon-Scott, that the Governing Board vote for the following candidates on the ACWA Region 10 Board Ballot Election 2022-2023 Term: Cathy Green for Chair, Dana Frieauf for Vice Chair, Shauna Lorange for Board Member, Richard L. Vasquez for Board Member, and DeAna Verbeke for Board Member. The motion carried with Directors Calderon-Scott, Castaneda, Martinez, and Martinez-Perez in favor, and Directors Preciado, Rios, and Sotelo-Solis opposing.

Approval of Directors' Attendance at Meetings and Future Agenda Items

A. National Water Resources Association (NWRA) Annual Conference, Phoenix, AZ – November 8-10, 2021

B. Association of California Water Agencies (ACWA) Fall Conference (Virtual and In-person) Pasadena, CA – November 30-December 2, 2021

Director Castaneda made a motion, seconded by Director Calderon-Scott, that the Governing Board approve per diem for Directors who wish to attend the National Water Resources Association (NWRA) Annual Conference, Phoenix, AZ – November 8-10, 2021; and the Association of California Water Agencies (ACWA) Fall Conference (Virtual and In-person) Pasadena, CA – November 30-December 2, 2021. The motion carried unanimously.

REPORTS AND INFORMATIONAL ITEMS

10. COVID-19 Pandemic Delayed Revenue Balance Dashboard

11. Committee Minutes

12. Report of Legal Counsel

Legal Counsel de Sousa provided an update on Brown Act Requirements in light of the pandemic; and provided a review of AB 361, AB 339, and AB and SB 155 legislation that could impact Sweetwater Authority.

13. Report of Management

Interim General Manager Sabine reported on:

- The California Municipal Utilities Association preparing a letter to state and federal officials regarding concerns that the water bill debt relief for water arrearages for customers may be considered as taxable income and the water agencies would need to issue 1099 forms to customers who receive more than a \$599 credit;
- Tracking AB/SB 155 that addresses a number of public resource issues;
- The Water Conservation Garden offering Free Day Friday on the second Friday of every month; and
- New rebates from the County of San Diego and SDCWA exclusively for residential, commercial, and agricultural properties in unincorporated areas of San Diego County.

14. Reports by Directors on Events Attended

A. Council of Water Utilities Meeting – August 17, 2021

Director Calderon-Scott provided a report.

B. California Special Districts Association - San Diego Chapter Quarterly Meeting – August 19, 2021

Director Calderon-Scott provided a report.

C. CSDA Annual Conference – August 30 - September 2, 2021

Directors Calderon-Scott, Castaneda, Martinez, and Sotelo-Solis provided a report

D. South County Economic Development Council (SCEDC) Meeting – September 7, 2021

Director Castaneda provided a report.

E. Other Events Attended

There was none.

15. Directors' Comments

There was none.

CLOSED SESSION

At 7:34 p.m. the Board convened in closed session for:

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

Agency Negotiator: Kevin Chicas, Special Labor Counsel
Employee Organizations: Sweetwater Authority Confidential Group

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

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

Title: General Manager

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

Agency Negotiators: Hector Martinez, Chair
Alison Alpert, Legal Counsel

Unrepresented Employee: General Manager
Interim General Manager

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.

Legal Counsel de Sousa reported that the Board came out of Closed Session and reconvened in open session at 7:44 p.m., with Directors Calderon-Scott, Castaneda, Martinez, Martinez-Perez, Preciado, Rios, and Sotelo-Solis in attendance. There was no reportable action taken by the Governing Board.

16. Adjournment

With no further business before the Board, Chair Martinez adjourned the meeting at 7:47 p.m.

Hector Martinez, Chair

Attest:

Ligia Perez, Board Secretary