



**SAWPA COMMISSION
REGULAR MEETING MINUTES
SEPTEMBER 5, 2017**

COMMISSIONERS PRESENT

Susan Lien Longville, Chair, San Bernardino Valley Municipal Water District
Ronald W. Sullivan, Vice Chair, Eastern Municipal Water District
Jasmin A. Hall, Secretary-Treasurer, Inland Empire Utilities Agency
Thomas P. Evans, Western Municipal Water District
Philip L. Anthony, Orange County Water District

COMMISSIONERS ABSENT

None.

**ALTERNATE COMMISSIONERS
PRESENT; NON-VOTING**

Gil Navarro, Alternate, San Bernardino Valley Municipal Water District
Kati Parker, Alternate, Inland Empire Utilities Agency

STAFF PRESENT

Rich Haller, Larry McKenney, Karen Williams, Jerry Oldenburg, Carlos Quintero, Ian Achimore, Mike Antos, Kelly Berry

The Regular Commission Meeting of the Santa Ana Watershed Project Authority was called to order at 9:31 a.m. by Chair Longville at the Santa Ana Watershed Project Authority, 11615 Sterling Avenue, Riverside, California.

1. CALL TO ORDER/PLEDGE OF ALLEGIANCE

2. ROLL CALL

Roll call was duly noted and recorded by the Clerk of the Board.

3. PUBLIC COMMENTS

There were no public comments.

4. CONSENT CALENDAR

A. APPROVAL OF MEETING MINUTES: AUGUST 15, 2017

B. APPROVAL OF MEETING MINUTES: AUGUST 17, 2017

C. TREASURER'S REPORT: JULY 2017

MOVED, approve the Consent Calendar.

Result:	Adopted (Unanimously)
Motion/Second:	Anthony/Hall
Ayes:	Anthony, Evans, Hall, Longville, Sullivan
Nays:	None
Abstentions:	None
Absent:	None

5. NEW BUSINESS

A. GRANT OF EASEMENT TO WESTERN MUNICIPAL WATER DISTRICT (CM#2017.111)

Carlos Quintero provided a PowerPoint presentation regarding the grant of easement to WMWD, relating to the La Sierra Pipeline Project which requires use of a portion of the SAWPA parking lot.

MOVED, accept the quitclaim of easement from Western Municipal Water District and grant a no-fee easement to Western Municipal Water District for use of the SAWPA building parking lot for access to the Arlington Desalter and pipeline purposes.

Result:	Adopted (Unanimously)
Motion/Second:	Anthony/Hall
Ayes:	Anthony, Evans, Hall, Longville, Sullivan
Nays:	None
Abstentions:	None
Absent:	None

B. ROTATION ASSIGNMENTS – OWOW STEERING COMMITTEE

Rotation of Commissioners assigned to the OWOW Steering Committee was brought before the Commission at the request of Commissioners Evans and Sullivan. It was the consensus of the Commission that the Vice Chair (incoming Chair) of the SAWPA Commission would be assigned as the Chair of the OWOW Steering Committee, and the Secretary-Treasurer (incoming Vice Chair) of the SAWPA Commission would be assigned as the other OWOW Steering Committee Member. Staff was directed to bring a Resolution before the Commission for consideration at a future meeting.

6. WORKSHOP DISCUSSION AGENDA

A. COMMISSION INPUT – COMMUNICATION/COLLABORATION PROCESS, INCLUDING GENERAL MANAGERS REPORT RECOMMENDATIONS

Chair Longville welcomed any general comments from the public and the member agency General Managers, noting the workshop would only be among the Commissioners and that there will be a focused Commission workshop the first meeting in October to include member agency General Managers in the discussion. Commissioners and the public were provided with a table of numbered recommendations, taken from the General Managers report (GMs Report) on pages 37 – 48 of the agenda packet.

Commissioner Sullivan voiced his displeasure the table was not provided prior to the meeting. Chair Longville explained the table simply lists out as separate items the recommendations contained in the GMs Report. Chair Longville explained she would conduct the workshop as follows:

1. Proceed through each item on the table, reading the item for consideration;
2. Ask the SAWPA Interim General Manager two questions:
 - a. How would implementing this recommendation change the management of SAWPA?
 - b. How would implementing this recommendation affect staff workloads?
3. Ask the SAWPA Executive Counsel one question:
 - a. In your opinion, would implementation of this recommendation raise any legal issues for SAWPA?
4. Conduct a non-binding straw poll of the Commissioners, for discussion purposes only, and record those results for informational discussion purposes moving forward.

Attached hereto, and made a part hereof as through fully set forth, is the Agenda Item No. 6.A. Workshop Worksheet, which sets forth the information referenced above.

7. INFORMATIONAL REPORTS

The following oral/written reports/updates were received and filed.

A. CASH TRANSACTIONS REPORT – JULY 2017

B. DISADVANTAGED COMMUNITIES INVOLVEMENT PROGRAM STATUS REPORT (CM#2017.112)

C. UPDATE ON PA 22 COMMITTEE (CM#2017.113)

D. UPDATE ON PA 23 COMMITTEE (CM#2017.114)

E. CHAIR’S COMMENTS/REPORT

F. COMMISSIONERS’ COMMENTS

Commissioner Evans requested a future agenda item to consider assignment rotations on the OWOW Steering Committee.

G. COMMISSIONERS’ REQUEST FOR FUTURE AGENDA ITEMS

Other than those mentioned above, there were no additional requests for future agenda items.

8. CLOSED SESSION

Chair Longville recessed the meeting to Closed Session at 11:20 a.m. There was no discussion of Agenda Item No. 8.A. No designated personnel were present during Closed Session.

A. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(d)(1)

Name of Case: Spiniello Companies v. Charles King Company, Inc., Santa Ana Watershed Project Authority, The Ohio Casualty Insurance Company (Superior Court of Los Angeles BC616589)

B. PURSUANT TO GOVERNMENT CODE SECTION 54957 – PERSONNEL MATTERS

General Manager

Chair Longville resumed Open Session at 11:42 a.m. There was no reportable action.

9. ADJOURNMENT

There being no further business for review, Chair Longville adjourned the meeting at 11:42 a.m.

Approved at a Regular Meeting of the Santa Ana Watershed Project Authority Commission on Tuesday, September 19, 2017.


Susan Lien Longville, Chair

Attest:


Kelly Berry, OMC, Clerk of the Board

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#	Description	Anthony	Evans	Hall	Longville	Sullivan	Navarro Parker
1	Member agency General Managers shall inform the SAWPA General Manager and the other member agency General Managers if the member agency or its Commissioner has concerns or issues with any item going to a Commission meeting, a committee or the OWOW Steering Committee. i. The communication should be prior to the meeting and preferably the posting of the agenda. [Page 4; Task 3; Paragraph 1.a.]	2	2	1	2	1	1 1
	To SAWPA GM: How would implementing this recommendation change the management of SAWPA? Affect staff workloads?						
Haller	The mechanism in place is the monthly GMs meeting when the SAWPA GM meets with the Member Agency GMs; we would continue to discuss issues at that meeting; it is critical Member Agency GMs attend and participate in the discussion, which they have committed to do. Meeting length will increase as new committees are added. This is a slight modification to an ongoing process; as such, no major impact to staff workload is anticipated.						
	To SAWPA Executive Counsel: In your opinion, would implementation of this recommendation raise any legal issues for SAWPA?						
McKenney	From the standpoint that if Member Agency GMs talk to each other about issues going to a Committee on which the GMs serve, care needs to be taken that we adhere to the Brown Act. While this comment applies to some other items below, it will not be reiterated each time.						
Discussion							
	Anthony: Concerned this is a sweeping order; what is to define how serious something has to be in order to be reported to everyone, and is there some documentation of it? This could potentially be devastating. If I have a tiny concern, do I have to tell everyone about it? Do I have to prove I told them and somehow document it? This language sounds good, but I think it is a little awkward to live with. Sullivan: This really boils down to effective communication, without try to get legalese about the whole thing. Are we going to have the ability to communicate? That is really all it is. The more indepth we get about being absolutely specific, the more problems we will end up having down the line. That is the way I look at it. Are we open and above-board here about what we are doing and with communication between the GMs, the SAWPA GM, and the Commission? That is really all that we are asking. To get more specific than that gets to be a legal problem, and that, to me, just defines more conflict.						

(1) acceptable as is; (2) acceptable if modified; (3) unacceptable unless modified; (4) do not support

#	Description	Anthony	Evans	Hall	Longville	Sullivan	Navarro Parker
2	Ensure member agencies General Managers are informed about substantive meetings and/or conversations the SAWPA General Manager has with the agencies' respective Commissioners [Page 4; Task 3; Paragraph 1.b.]	3	3	3	3	1	3 2
	To SAWPA GM: How would implementing this recommendation change the management of SAWPA? Affect staff workloads?						
Haller	We would utilize the monthly GMs meeting to discuss conversations we have had with Commissioners. We would want to make sure that the Commissioners feel comfortable talking with the SAWPA GM; occasionally there may be an information exchange that brings them up to speed, and Commissioners may ask for confidentiality. It is appropriate to keep the GM from that Member Agency informed on what the Commissioner is discussing, and what SAWPA is discussing with the Commissioner. No impact on staff workload.						
	To SAWPA Executive Counsel: In your opinion, would implementation of this recommendation raise any legal issues for SAWPA?						
McKenney	Matters that are privileged and confidential would be excepted; items that would normally be in Closed Session such as personnel and litigation matters and attorney-client communications.						
Discussion	<p>Sullivan: Are the GMs going to be excluded from litigation items in Closed Session? At some point we need to say what is acceptable and what is not relative to participation by the GMs in Closed Session and/or a conversation relating to litigation matters.</p> <p>McKenney: There are several ways this can be addressed in order to satisfy Commissioner Sullivan's concern.</p> <p>Evans: Does not want to be put in the position that he cannot talk with the SAWPA GM without informing WMWD's GM that he has done so. Voiced concern his earlier comments were not included, but was advised that they had been.</p> <p>Navarro: Feels like this recommendation is micromanaging the Commissioner; perhaps the initiating party could be included on the agenda.</p>						

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Agenda Item No. 6.A. Workshop Worksheet
September 5 2017 - Straw Poll | Discussion

#	Description	Anthony	Evans	Hall	Longville	Sullivan	Navarro Parker
3	Member agency General Managers shall be consulted about meetings or actions SAWPA conducts with outside agencies that materially affect that member agency's interests. [Page 4; Task 3; Paragraph 1.c.]	3	2	2	3	1	3 1
	To SAWPA GM: How would implementing this recommendation change the management of SAWPA? Affect staff workloads?						
Haller	We would utilize the monthly GMs meeting to address; SAWPA staff will compile a monthly calendar of meetings to present and discuss. Not something SAWPA staff is currently doing; minor impact on staff workload.						
	To SAWPA Executive Counsel: In your opinion, would implementation of this recommendation raise any legal issues for SAWPA?						
McKenney	None.						
Discussion	<p>Longville: Would like to see a definition of what constitutes a member agency's interest.</p> <p>Sullivan: We ran into this problem before where sometimes SAWPA may do something with a federal agency that doesn't necessarily comport with what one of the Member Agencies may be doing and may be in conflict. There was a conflict before when we had an issue with Prado; SAWPA's lobbyist in the past has endorsed something that what contrary to the interests of another agency. This is just effective communication. If there is a specific issue, then maybe that should be addressed; however, generally you look for what is effective communication, the impacts on SAWPA and each individual member agency.</p> <p>Hall: Are we impacting the region, the greater good of people? What may impact one negatively could impact another positively.</p> <p>Sullivan: That is a good comment, but we also need to give consideration to the impact on SAWPA member agencies. We need to operate so that we're all one group here, and we stand up for one another, giving consideration to all individually and as a whole.</p> <p>Evans: Agreed with Sullivan; over time you are going to know if something will impact another agency. There needs to be effective communication. But also does not want this to become a required "check the box" step.</p> <p>Navarro: Too broad; understand SAWPA has to work with five agencies so it does get somewhat complex. If SAWPA is working in an area impacting another member agency, SAWPA should talk to them.</p>						

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Agenda Item No. 6.A. Workshop Worksheet
September 5 2017 - Straw Poll | Discussion

#	Description	Anthony	Evans	Hall	Longville	Sullivan	Navarro Parker
4	Significant agenda items being taken to the Commission, a committee or the OWOW Steering Committee shall be shared with and discussed among with the SAWPA General Manager and the member agency General Managers. [Page 4; Task 3; Paragraph 2.a.]	3	2	1	3	1	1 1
	To SAWPA GM: How would implementing this recommendation change the management of SAWPA? Affect staff workloads?						
Haller	Process would be to utilize the monthly GMs meeting to review upcoming agenda items; will create a list of upcoming agenda items by month. This would also be shared with the Commission as well as part of the General Manager's report so everyone is aware of what we are anticipating talking about over the next month or two. This will be a minor addition in staff time to compile the upcoming agenda listing; minor impact on staff workload.						
	To SAWPA Executive Counsel: In your opinion, would implementation of this recommendation raise any legal issues for SAWPA?						
McKenney	No additional issues.						
Discussion	Anthony: I think we can all agree that recommendations 1-5 would all be addressed utilizing the monthly GMs meeting.						

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Agenda Item No. 6.A. Workshop Worksheet
September 5 2017 - Straw Poll | Discussion

#	Description	Anthony	Evans	Hall	Longville	Sullivan	Navarro Parker
5	If there are fundamental disagreements on items being brought to the Commission, a committee or the OWOW Steering Committee, best efforts will be made among the SAWPA General Manager and the member agency General Managers to develop a mutually acceptable consensus recommendation. [Page 4; Task 3; Paragraph 2.b.]	3	2	2	3	1	1 1
	To SAWPA GM: How would implementing this recommendation change the management of SAWPA? Affect staff workloads?						
Haller	Same answer as earlier relative to utilizing monthly GMs meeting; noted that building consensus will take time, but it is an important process to work through. Minor to moderate impact to staff and it will take some time to proceed through the process.						
	To SAWPA Executive Counsel: In your opinion, would implementation of this recommendation raise any legal issues for SAWPA?						
McKenney	No additional issues.						
Discussion	Evans: Supportive, but noted his concern about the time that would be involved; would not support a wheel-spinning process where some never gets to the Commission.						

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#	Description	Anthony	Evans	Hall	Longville	Sullivan	Navarro Parker
6	<p>Once consensus is reached at the General Manager level on specific agenda items:</p> <ul style="list-style-type: none"> i. The staff of SAWPA and the member agencies will support the consensus recommendation; ii. The member agency General Managers will convey the consensus recommendations to their respective Commissioners. <p>If consensus cannot be reached on a specific item:</p> <ul style="list-style-type: none"> i. The SAWPA staff will represent opposing points of view in a factual and balanced manner, along with the SAWPA staff recommendation; and ii. The member agency General Managers will convey to their respective Commissioners the opposing points of view in a factual and balanced manner, along with their recommendation. <p>[Page 4; Task 3; Paragraph 2.c. & 2.d.]</p>	3	3	3	3	2	4 3
To SAWPA GM: How would implementing this recommendation change the management of SAWPA? Affect staff workloads?							
Haller	Additional staff time required, depending on the number of complex/controversial issues we have; Commission memo reformat to include this additional information. Minor to moderate affect to staff workload.						
To SAWPA Executive Counsel: In your opinion, would implementation of this recommendation raise any legal issues for SAWPA?							
McKenney	Raises a serious issue regarding Brown Act compliance. If the Commission directs all the GMs to meet and confer on items and reach consensus in that, the consensus is going to be reported to the Commission. There is a real issue about whether that is making the GMs into an advisory body to the Commission, which makes the GMs a Brown Act body. Would have legal implications on how they do their business, and this would apply to many of the other items on the list so I will not reiterate it each time.						
Discussion	<p>Sullivan: Is it a recorded or vocal consensus among the GMs regarding a technical issue that comes before the Commission? Does that make them a Brown Act body? Or, is it simply one or two picking up the phone and discussing an potential issue?</p> <p>McKenney: Well, the direction is for the GMs to meet and reach consensus, then each of the GMs is going to convey that to their respective Commissioners and advise that they all agree on the direction. I'm identifying the issue; there are ways to work around this.</p> <p>Anthony: Do the monthly GMs meetings come into this arena?</p> <p>McKenney: As it stands currently, and since 2007, the GM monthly meetings are not Brown Act meetings. The discussions in those meetings are considered to be advisory to the SAWPA GM.</p> <p>Longville: Isn't this the reason why we no longer have five member agency GMs on the PA 23 Committee?</p> <p>McKenney: The issue here is that if the Commission creates a body to be an advisory body to the Commission and that body is not only a minority of the Commission, then that meets the definition of a legislative body under the Brown Act.</p> <p>Navarro: Believes this would be a violation of the Brown Act.</p>						

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Agenda Item No. 6.A. Workshop Worksheet
September 5 2017 - Straw Poll | Discussion

#	Description	Anthony	Evans	Hall	Longville	Sullivan	Navarro Parker
7	<p>Monthly meetings between the SAWPA General Manager and the member agency General Managers shall be conducted. Agendas shall be prepared in advance and circulated for revisions or additions. Agendas shall include, but not necessarily be limited to the following:</p> <p>i. A review of an advanced calendar of proposed agenda items for the Commission, committee meetings and the OWOW Steering Committee for the upcoming month.</p> <p>[Page 4; Task 3; Paragraph 3.a.]</p>	2	3	3	3	2	4 3
	To SAWPA GM: How would implementing this recommendation change the management of SAWPA? Affect staff workloads?						
Haller	Potentially a more significant impact on staff workloads with the creation of a number of additional committees added to the existing committees.						
	To SAWPA Executive Counsel: In your opinion, would implementation of this recommendation raise any legal issues for SAWPA?						
McKenney	No additional issues.						
Discussion	<p>Anthony: Do there need to be additional committees? This is a wide-open statement.</p> <p>Haller: That is one of the recommendations of the report.</p> <p>Sullivan: Maybe we should just have a 5 in the ratings, then we could delete recommendation 7.</p> <p>Longville: Reason I'm not voting 4 is because it doesn't reference Task Forces; must work on the language, but must not include Task Forces.</p>						

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Agenda Item No. 6.A. Workshop Worksheet
September 5 2017 - Straw Poll | Discussion

#	Description	Anthony	Evans	Hall	Longville	Sullivan	Navarro Parker
8	Significant agenda items (excluding those being considered in closed session) would be discussed among the SAWPA General Manager and member agency General Managers before they are published on any agenda. [Page 5; Task 3; Paragraph 3.a.ii.]	4	3	1	4	1	3 2
	To SAWPA GM: How would implementing this recommendation change the management of SAWPA? Affect staff workloads?						
Haller	Somewhat duplicative of some previous items; will be discussing significant issues at the monthly GMs meetings. Certainly, if the Commission directs something be placed on the agenda, it will be placed on the agenda.						
	To SAWPA Executive Counsel: In your opinion, would implementation of this recommendation raise any legal issues for SAWPA?						
McKenney	No additional issues.						
Discussion	<p>Anthony: What about items developed and ordered by the Commission itself? What if a Commissioner wants to put an item on the agenda? Commissioners fall under this recommendation?</p> <p>Longville: I've had similar thoughts myself; do not want the Commission to be diminished in any way, or our governance.</p> <p>Anthony: We are not going to be diminished; they better not try.</p>						

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Agenda Item No. 6.A. Workshop Worksheet
September 5 2017 - Straw Poll | Discussion

#	Description	Anthony	Evans	Hall	Longville	Sullivan	Navarro Parker
9	A review of any new initiatives, programs, task forces or other similar activities SAWPA intends to develop and implement, with an opportunity for the member agency General Managers to provide input. [Page 5; Task 3; Paragraph 3.a.iii.]	2	1	1	2	1	1 1
	To SAWPA GM: How would implementing this recommendation change the management of SAWPA? Affect staff workloads?						
Haller	Handled as part of the monthly GMs meetings; if there are budget impacts, it would be part of the budget review process. No significant impact to staff workload.						
	To SAWPA Executive Counsel: In your opinion, would implementation of this recommendation raise any legal issues for SAWPA?						
McKenney	No additional issues.						
Discussion	Anthony: A review by whom? Longville: Review by General Managers.						

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Agenda Item No. 6.A. Workshop Worksheet
September 5 2017 - Straw Poll | Discussion

#	Description	Anthony	Evans	Hall	Longville	Sullivan	Navarro Parker
	Discussion of Item 10 is inclusive of Items 11 through 16 below, which are defined as "significant items" in the GMs report.						
10	SAWPA staff reports for significant items being considered by the Commission, committees or the OWOW Steering Committee shall include: i. The SAWPA General Manager and staff recommendations; ii. The consensus recommendation of the SAWPA General Manager and member agency General Managers; or iii. Varying points of view where there may not be consensus stated in a factual and balanced manner without attribution. [Page 5; Task 3; Paragraph 3.b.]	3	3	3	3	1	1 2
	Items 11 through 16 are defined as "significant items" in the GMs report:						
11	Significant Financial Items a. Budgets (Project Budgets and SAWPA General Budget) b. Planning, engineering, and construction contracts and related change orders. c. Changes to Brine Line rates, charges and administration affecting the Member Agencies or their customers. [Page 5; Task 3; Paragraph 1. a.-c.]						
12	Proposals for salary ranges or benefit changes including any Classification and Compensation studies. [Page 5; Task 3; Paragraph 2.a.]						
13	Proposals to increase staffing. [Page 6; Task 3; Paragraph 2.b.]						
14	Proposals to modify any SAWPA governance related document including, but not limited to, the JPAA and Project Agreements. [Page 6; Task 3; Paragraph 2.c.]						
15	All formal positions proposed to be taken or pending or approved legislation or regulations. [Page 6; Task 3; Paragraph 2.d.]						
16	Projects and Initiatives a. Any new initiative, program, task force, or proposal for funding that promotes or expands SAWPA activities including the needs of other stakeholders for such programs. [Page 6; Task 3; Paragraph 3.a.]						

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Agenda Item No. 6.A. Workshop Worksheet
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#	Description	Anthony	Evans	Hall	Longville	Sullivan	Navarro Parker
	To SAWPA GM: How would implementing this recommendation change the management of SAWPA? Affect staff workloads?						
Haller	<p>Similar to recommendation 6 above; will modify Commission memo format to include the additional requested information. Depending on the number of controversial issues, this has a minor to moderate impact on staff workload.</p> <p>Relative to "significant items" defined in items 11-16 below, we already have existing processes in place; will need to determine how those can be modified to meet the expectations. Will rely on the monthly GMs meetings to review and discuss these issues and provide pertinent information, as well as communicating with CFOs under existing processes. Concerned legislative issues may need to be addressed before the upcoming monthly GMs meeting; may need a different process. Minor to moderate impact on staff time.</p>						
	To SAWPA Executive Counsel: In your opinion, would implementation of this recommendation raise any legal issues for SAWPA?						
McKenney	The same Brown Act issue described earlier; if in fact the GMs were working as a Brown Act body, then there can be no secret ballots.						
Discussion	<p>Sullivan: We need to define what is significant. May be significant for one, but not the other four.</p> <p>Evans: Agree with Sullivan; raises the issue of required unanimity on the Commission.</p> <p>Hall: Concurred with Evans' concern of required unanimity on the Commission.</p> <p>McKenney: Did not think the GMs report suggested that the Commission had to be unanimous; they talked about reaching consensus among the GMs, if possible, and then member agency approval of the budget (which is the way the process works now), and they talked about approval of expenditures within budget by majority vote, which is what the JPA says now. There is a new proposed procedure for exceeding the budget.</p> <p>Sullivan: Under the current JPA, governance needs to be a 100% vote; supportive of that. Nothing should be changed until there is a consensus. Agrees with content of the GMs report.</p> <p>Evans: Perhaps the next time around we could discuss what requires a unanimous vote and what requires a majority vote. There needs to be clarification.</p> <p>Hall: Agreed with Evans, and also requested the same discussion and clarification.</p>						

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#	Description	Anthony	Evans	Hall	Longville	Sullivan	Navarro Parker
17	Identification of Projects: Staffs of SAWPA and the member agencies to jointly identify the various activities of which SAWPA is engaged that meet the criteria of not being preliminary studies or matters of general administration, and either directly or indirectly expose the member agencies or their customers to costs. This list should be presented to the Commission to clarify what constitutes a "Project" for the purposes of the JPAA. [Page 6; Task 4; Paragraph 1.]	1	1	2	2	1	2 1
	To SAWPA GM: How would implementing this recommendation change the management of SAWPA? Affect staff workloads?						
Haller	One-time effort to go through this process; minimal impact to staff workload to identify existing project committees and any additional project committees which might be needed.						
	To SAWPA Executive Counsel: In your opinion, would implementation of this recommendation raise any legal issues for SAWPA?						
McKenney	The concept of directly or indirectly exposing member agencies or their customers is not currently in the JPAA.						
Discussion	None.						

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#	Description	Anthony	Evans	Hall	Longville	Sullivan	Navarro Parker
18	Jointly identify the remaining activities that meet the criteria of a “project” but have neither a project agreement nor a project committee, and determine the type of project agreement and/or project committee that would be applicable (see Task 4 Section 2a, below) and/or if some of those activities (i.e. task forces or round tables) can be logically grouped into a single project. Present the recommended new “projects,” consistent with the JPAA requirements, and associated staff and resource needs to the Commission for review and consideration. [Page 6; Task 4; Paragraph 2.]	1	2	2	3	1	2 1
	To SAWPA GM: How would implementing this recommendation change the management of SAWPA? Affect staff workloads?						
Haller	Will take some staff time to evaluate; in particular, the existing Task Forces to make sure it synchronizes with the Project Committee concept and determine if any adjustments need to be made to the existing Task Force agreements.						
	To SAWPA Executive Counsel: In your opinion, would implementation of this recommendation raise any legal issues for SAWPA?						
McKenney	No legal issues with having a process to determine what is a Project; does have concerns about what is a Watershed Project.						
Discussion	<p>Evans: Does this provide the ability for a Task Force not to be a Project Committee? I don't believe most of the Task Forces are Project Committees. There needs to be an ability to have activities that are not Projects under Project Agreements.</p> <p>Sullivan: The GMs report said that there is a distinction between Projects, Committees and Administrative functions. We are trying to define a large Capital project, and what may be a combination of projects/tasks, and then what are purely administrative functions. This is reasonable. This is just a reasonable process about what we are going to be doing.</p> <p>Evans: Raised the issue before that I have a hard time, personally, seeing all Task Forces as Projects. Would like a definition.</p> <p>Longville: It does appear that it duplicates existing Task Force agreements that we already have; greatest concern is that it's highly likely that some Task Forces are not going to want to be grouped into a Watershed Project, and we could lose some of the valuable work that is occurring. This is so prescriptive in the way it's written that it implies that everything has to fit somewhere.</p>						
19	<i>Identification of Project Committees and Participating Agencies:</i> Based upon the “projects” identified, determine which agencies are participants in the various activities and projects, and if less than all the member agencies are participating in a “project,” identify the need for a project committee consistent with the requirements of the JPAA. [Page 7; Task 4; Paragraph 3.]	1	2	2	2	1	2 1
	To SAWPA GM: How would implementing this recommendation change the management of SAWPA? Affect staff workloads?						
Haller	Same comments as Item 18.						
	To SAWPA Executive Counsel: In your opinion, would implementation of this recommendation raise any legal issues for SAWPA?						
McKenney	Same comments as Item 18.						
Discussion	No discussion.						

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#	Description	Anthony	Evans	Hall	Longville	Sullivan	Navarro Parker
20	Implementation: Upon the identification of the “projects” and project committees that require formation, prepare all requisite project agreements and seek member agency approval of such agreements and designation of project committee members, where appropriate. Format future Commission meeting agendas to identify and segregate actions for each active “project” and the members voting on a project-related item. The intent would be to conduct all Project Committee business involving the Commission as part of the agendas for the two regularly scheduled monthly Commission meetings. [Page 7; Task 4; Paragraph 4.]	1	1	1	2	1	1 1
	To SAWPA GM: How would implementing this recommendation change the management of SAWPA? Affect staff workloads?						
Haller	Depending on the number of committees formed, this has the potential to add some administrative work as part of the Commission agendas. Without knowing the number of committees, it is difficult to estimate at this point.						
	To SAWPA Executive Counsel: In your opinion, would implementation of this recommendation raise any legal issues for SAWPA?						
McKenney	No additional issues.						
Discussion	<p>Sullivan: Does not see the issue; almost like we are trying to pick this thing apart. Everything, at some point, will be brought back to the Commission to identify some of this. It's just what would normally come back to this Commission for a discussion on what we want to do with the GM report. This, to me, looks like someone has take the GM report to determine which one of these things do I want to knock out or which ones do we want to discuss. That's what is beginning to me to look like.</p> <p>Evans: This is directly out of the GM report.</p> <p>Longville: We are looking at the items one at a time.</p> <p>Anthony: But they are pulled in little pieces, out of context sometimes.</p> <p>Evans: I think this is really good in the sense that the Commission will have a regular view of all the projects. But I could envision where their might be one project that only three members of the Commission area party to, so those three would vote and the other two would not; in other instances it might be all five. This is a big change, for the good, in the sense of defining the Projects, Project Agreements, what would not be a Project; in terms of communication, this is a huge improvement to what we have been doing.</p>						

(1) acceptable as is; (2) acceptable if modified; (3) unacceptable unless modified; (4) do not support

Agenda Item No. 6.A. Workshop Worksheet
September 5 2017 - Straw Poll | Discussion

#	Description	Anthony	Evans	Hall	Longville	Sullivan	Navarro Parker
21	Proposed amendments to the JPAA are as follows: 1. A clear and unambiguous definition of "Budget" in the JPAA as an expenditure and contracting ceiling. [Page 7; Task 4; Paragraph 1.]	1	1	2	2	1	1 1
	To SAWPA GM: How would implementing this recommendation change the management of SAWPA? Affect staff workloads?						
Haller	Initial impact to develop the definition.						
	To SAWPA Executive Counsel: In your opinion, would implementation of this recommendation raise any legal issues for SAWPA?						
McKenney	Different from the current JPA, which clearly says that the budget is an expenditure limit; the idea that it's a contracting ceiling...the Commission currently has the ability to approve a contract for a project that could span the fiscal year, but we don't currently try to make sure that all contract work is going to be executed within the fiscal year that that budget applies. That would be an issue requiring policy development.						
Discussion	<p>Anthony: Going past fiscal years is not mentioned here.</p> <p>Sullivan: Maybe that's a clarification for the GMs; what is the total amount, not an incremental sum over a number of years.</p> <p>Longville: The way it reads now, since budgets require unanimous votes then this implies, to me, that a contracting ceiling would also require a unanimous vote. Currently it is a majority vote.</p> <p>Sullivan: This isn't different than what we are currently doing at EMWD; we have a two-year budget cycle but we also have a contract ceiling for major contracts. A budget does not cast in concrete that you can spend that amount of money each year, and then it adds up to be more than the contract value. We would never do that. That's irresponsible. Supportive of the language.</p> <p>McKenney: The only difference is where you're doing this your agencies, you are approving your budget and you are approving your project budgets. Whereas here, we have to go back and get all five member agencies boards to approval the budget. If you have a budget that is a contracting limit for a large project like that, it would have to specifically called out and voted on by all of the members of that project committee. I'm not saying it can't be done, I'm just noting the differences.</p> <p>Sullivan: The language, "A clear and unambiguous definition of 'Budget' in the JPAA as an expenditure and contracting ceiling." may need clarification and discussion as we go along, but this is a great statement.</p>						

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#	Description	Anthony	Evans	Hall	Longville	Sullivan	Navarro Parker
22	<p>Proposed amendments to the JPAA are as follows:</p> <p>2. A refined definition of a “Project” in the JPAA for purposes of administration by a Project Agreement and Project Committee to include two project categories:</p> <p>a. SAWPA Projects – These would include all capital and operating assets such as the Brine Line, task forces or programs that are governed by SAWPA members only, and the OWOW and Integrated Regional Watershed Management Plan and program.</p> <p>b. Watershed Partnership Projects – These would include task forces with SAWPA member agency participants that are also funded by outside partners of which SAWPA desires to include in Project Committee governance.</p> <p>[Page 7; Task 4; Paragraph 2. a. & b.]</p>	1	1	1	3	1	1 1
To SAWPA GM: How would implementing this recommendation change the management of SAWPA? Affect staff workloads?							
Haller	Short-term impact to SAWPA staff, particularly in terms of setting up for the new term Watershed Partnership Projects. Once determined, this becomes implementation of a Project Committee and I have already indicated it could have some potential impacts on staff workload.						
To SAWPA Executive Counsel: In your opinion, would implementation of this recommendation raise any legal issues for SAWPA?							
McKenney	The concept of Watershed Partnership Projects including non-member agency partners is not in the current JPAA; would require an amendment. Additionally, the current adopted policy of the agency requires that Project Committee members accept the financial responsibility for the projects, so whether that is workable with non-member agency participants is something that would need to be worked out. There are a number of governance issues that would come up with non-member agency members of Project Committees, and we would need to address how we can ensure that representatives of those member agencies are people who have the authority to make binding decisions on behalf of their agency. This is not addressed in current Task Force agreements because we allow staff to attend the Task Force meetings and the decisions are made by their respective boards via budget approvals; they do not currently participate in making contract decisions. This issues would need to be addressed in both Project Agreements and Commission policies, as well as a JPAA amendment.						
Discussion	No discussion.						

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Agenda Item No. 6.A. Workshop Worksheet
September 5 2017 - Straw Poll | Discussion

#	Description	Anthony	Evans	Hall	Longville	Sullivan	Navarro Parker
23	Proposed amendments to the JPAA are as follows: A more detailed definition in the JPAA of “Matters of Administration” as activities relating to general administration and support such as financial functions, payroll, audit and accounting support, administrative facility operations and maintenance, staff training, state advocacy support, Commission support, website maintenance and other similar functions. Matters not included in this category would be Projects subject to Project Agreements. [Page 7; Task 4; Paragraph 3.]	1	2	3	2	1	1 1
	To SAWPA GM: How would implementing this recommendation change the management of SAWPA? Affect staff workloads?						
Haller	Want to make sure the JPAA amendments remain meaningful over the long term; this is a living document.						
	To SAWPA Executive Counsel: In your opinion, would implementation of this recommendation raise any legal issues for SAWPA?						
McKenney	None.						
Discussion	No discussion.						

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#	Description	Anthony	Evans	Hall	Longville	Sullivan	Navarro Parker
24	Proposed amendments to the JPAA are as follows: A more detailed definition in the JPAA of “Operating Decisions” that affect member agencies or their customers’ interests and require unanimous approval of the Commission or a SAWPA Project Committee. Such decisions would typically include major changes in facility or project operations or major construction that would materially affect the use of an operating asset by one or more of the SAWPA member agencies or their customers. It is understood that Operating Decisions as defined herein exclude emergency actions. [Page 7; Task 4; Paragraph 4.]	1	1	2	2	1	1 1
	To SAWPA GM: How would implementing this recommendation change the management of SAWPA? Affect staff workloads?						
Haller	Currently, the Brine Line is operated by guidelines and a Sewer System Management Plan which is approved by the Commission, which is part of the permit requirement, so we would want to synchronize that with any update to the JPAA.						
	To SAWPA Executive Counsel: In your opinion, would implementation of this recommendation raise any legal issues for SAWPA?						
McKenney	Probably the JPAA provisions which has caused the most confusion. I read Section 18 of the JPAA, the section that requires unanimous vote on budget and operating decisions clearly refers to member agencies, not the Commission or Project Committee members. We can try to clarify that, but we don't currently go back to the member agencies to approve operating decisions, so we can either try to clarify that and then develop the processes to implement it, or we can take those words out of the JPAA. Either way, it's doable and would require a JPAA amendment.						
Discussion	No discussion.						

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Agenda Item No. 6.A. Workshop Worksheet
September 5 2017 - Straw Poll | Discussion

#	Description	Anthony	Evans	Hall	Longville	Sullivan	Navarro Parker
	Items 25 through 28 were considered as one item.						
25	Proposed amendments to the JPAA are as follows: For administering the General Budget, further clarification plus a revision to allow more flexibility for the Commission to authorize budget augmentation without separate member agency authorization. [Page 8; Task 4; Paragraph 4., second paragraph]	1	2	2	3	1	2 2
26	Once the General Budget is unanimously approved by the Member Agencies, expenditures or contracts within the approved Budget may be authorized by majority vote of the Commission. [Page 8; Task 4; Paragraph 4., second paragraph, section a]						
27	Expenditures or contracts for amounts of up to 10% over the approved General Budget may be authorized by unanimous vote of the Commission. [Page 8; Task 4; Paragraph 4., second paragraph, section b]						
28	Expenditures or contracts for amounts in excess of 10% over the approved General Budget may only be authorized by unanimous approval of the Member Agencies. [Page 8; Task 4; Paragraph 4., second paragraph, section c]						
	To SAWPA GM: How would implementing this recommendation change the management of SAWPA? Affect staff workloads?						
Haller	SAWPA transfers a lot of grant funds and sometimes the costs switch from one fiscal year to another, so we would want to recognize that that occurs. Would like to avoid having to seek member agency approval to distribute grant funds which have already been awarded in a previous fiscal year. Also of concern would be adding new Brine Line customers, which adds both revenue and expenses; we would want some clarification on that process so as not to require approval by all five member agencies.						
	To SAWPA Executive Counsel: In your opinion, would implementation of this recommendation raise any legal issues for SAWPA?						
McKenney	Significant amendment to the JPAA; emphasized the importance of clarity and referenced earlier comments. Alternatively, a policy could be adopted for a contingency that is controlled by a Project Committee or the Commission.						
Discussion	Sullivan: All we are going to do is start the discussion of how we are going to vote on increased budgets or contract values; that's all that the GMs are asking for is that clarification. If it needs a JPAA amendment, then it needs an amendment. Longville: My concern is that most Task Force agreements is based on majority vote, rather than unanimous. It concerns me that this changes that in this proposed amendment.						

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#	Description	Anthony	Evans	Hall	Longville	Sullivan	Navarro Parker
	Items 29 and 30 were considered as one item.						
29	For administering Project Budgets, clarification and revision, as follows: Once a Project Budget is unanimously approved by the Member Agencies (or the Member Agencies and outside partners, in the case of Watershed Partnership Projects), expenditures or contracts within the approved Budget may be authorized by majority vote of the Commission, SAWPA Project Committee (if the Project involves less than all Member Agencies), or Watershed Partnership Project Committee (if the Project involves less than all Member Agencies and outside partners). [Page 8; Task 4; Paragraph 5., second paragraph, section a]	1	1	2	1	1	2 1
30	For administering Project Budgets, clarification and revision, as follows: Similar to the proposed revision for the General Budget, expenditures or contracts for amounts of up to 10% over the approved Project Budget may be authorized by unanimous vote of the Commission, SAWPA Project Committee, or Watershed Partnership Project Committee, depending on the type of Project Agreement. [Page 8; Task 4; Paragraph 5., second paragraph, section b]						
	To SAWPA GM: How would implementing this recommendation change the management of SAWPA? Affect staff workloads?						
Haller	Initially, there will be some legal writing. Must ensure there is cash available to pay any additional budgeted expense.						
	To SAWPA Executive Counsel: In your opinion, would implementation of this recommendation raise any legal issues for SAWPA?						
McKenney	This is basically what the JPAA says currently, other than the previously mentioned issues about watershed project committees.						
Discussion	No discussion.						

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#	Description	Anthony	Evans	Hall	Longville	Sullivan	Navarro Parker
31	Expenditures or contracts for amounts in excess of 10% over the approved Project Budget may only be authorized by unanimous approval of the Member Agencies, or the Member Agencies and outside partners in the case of Watershed Partnership Projects.	1	1	1	2	1	2 1
	To SAWPA GM: How would implementing this recommendation change the management of SAWPA? Affect staff workloads?						
Haller	Must ensure the Commission is aware of the membership of Watershed Partnership Committees.						
	To SAWPA Executive Counsel: In your opinion, would implementation of this recommendation raise any legal issues for SAWPA?						
McKenney	No new issues.						
Discussion	No discussion.						

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