REGULAR COMMISSION MEETING
TUESDAY, OCTOBER 3, 2017 – 9:30 A.M.

AGENDA

1. CALL TO ORDER/PLEDGE OF ALLEGIANCE (Susan Lien Longville, Chair)

2. ROLL CALL

3. PUBLIC COMMENTS
   Members of the public may address the Commission on items within the jurisdiction of the Commission; however, no action may be taken on an item not appearing on the agenda unless the action is otherwise authorized by Government Code §54954.2(b).

4. CONSENT CALENDAR
   All matters listed on the Consent Calendar are considered routine and non-controversial and will be acted upon by the Commission by one motion as listed below.
   A. APPROVAL OF MEETING MINUTES: SEPTEMBER 19, 2017 .................................................. 5
      Recommendation: Approve as posted.

5. NEW BUSINESS
   A. RESOLUTION NO. 2017-12 – ROTATION OF COMMISSION APPOINTMENTS TO THE OWOW STEERING COMMITTEE (CM#2017.125) .......................................................... 11
      Presenter: Rich Haller
      Recommendation: Adopt Resolution No. 2017-12 establishing a rotation of appointments to the One Water, One Watershed (OWOW) Steering Committee.
   B. BRINE LINE TSS FORMATION AMOUNT (CM#2017.124) .................................................. 13
      Presenter: Carlos Quintero
      Recommendation: Change the methodology to calculate the monthly TSS formation amount to a 12-month rolling average effective September 1, 2017.
   C. INLAND EMPIRE BRINE LINE REACH V REHABILITATION AND IMPROVEMENT PROJECT PHASE 1
      Presenter: David Ruhl
      Recommendation: Receive and file.
6. **WORKSHOP DISCUSSION AGENDA**

   **A.** [COMMUNICATION/COLLABORATION PROCESS RELATING TO GENERAL MANAGERS REPORT RECOMMENDATIONS](#)..........................23
   
   **Presenter:** Rich Haller  
   **Recommendation:** Receive and discuss; provide direction to staff as warranted.

7. **INFORMATIONAL REPORTS**

   **Recommendation:** Receive for information.

   **A.** [SAWPA GENERAL MANAGERS MEETING NOTES – SEPTEMBER 19, 2017](#)..........................71
   
   **Presenter:** Rich Haller

   **B.** **CHAIR'S COMMENTS/REPORT**

   **C.** **COMMISSIONERS’ COMMENTS**

   **D.** **COMMISSIONERS’ REQUEST FOR FUTURE AGENDA ITEMS**

8. **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 54957.6 – CONFERENCE WITH LABOR NEGOTIATOR**
   
   SAWPA Designated Representative: General Manager Richard E. Haller  
   Non-Represented Employees: All SAWPA employees

9. **ADJOURNMENT**

   Americans with Disabilities Act: If you require any special disability related accommodations to participate in this meeting, please call (951) 354-4230 or email kberry@sawpa.org. Notification at least 48 hours prior to the meeting will enable staff to make reasonable arrangements to ensure accessibility for this meeting. Requests should specify the nature of the disability and the type of accommodation requested.

   Materials related to an item on this agenda submitted to the Commission after distribution of the agenda packet are available for public inspection during normal business hours at the SAWPA office, 11615 Sterling Avenue, Riverside, and available at [www.sawpa.org](http://www.sawpa.org), subject to staff’s ability to post documents prior to the meeting.

   **Declaration of Posting**

   I, Kelly Berry, Clerk of the Board of the Santa Ana Watershed Project Authority declare that on Thursday, September 28, 2017, a copy of this agenda has been uploaded to the SAWPA website at [www.sawpa.org](http://www.sawpa.org) and posted in SAWPA’s office at 11615 Sterling Avenue, Riverside, California.

   /s/  
   Kelly Berry, CMC
# 2017 SAWPA Commission Meetings | Events

First and Third Tuesday of the Month; unless otherwise noticed, all Commission Workshops/Meetings begin at 9:30 a.m. and are held at SAWPA.

<table>
<thead>
<tr>
<th>January</th>
<th>February</th>
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<td>1/3/17</td>
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<td>Commission Workshop</td>
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<td>5/9 – 5/12</td>
<td>6/20/17</td>
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<tr>
<td>ACWA Spring Conference, Monterey</td>
<td>Regular Commission Meeting</td>
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<td>5/16/17</td>
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<td>Regular Commission Meeting</td>
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<td>5/25/17</td>
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<td>OWOW Conference [Ontario Convention Cntr]</td>
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<td>7/4/17</td>
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<tr>
<td>No Meeting (Independence Day)</td>
<td>Commission Workshop</td>
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<td>9/5/17</td>
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<th>November</th>
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<td>11/7/17</td>
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<td>11/28 – 12/1</td>
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<td>ACWA Fall Conference, Anaheim</td>
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**SAWPA Compensable Meetings – Other**

Unless otherwise noted, all meetings are held at SAWPA. Commissioners and Alternate Commissioners will receive compensation for attending the meetings listed below pursuant to the Commission Compensation, Expense Reimbursement, and Ethics Training Policy.

**IMPORTANT NOTE:** These meetings are subject to change. Prior to attending any meeting listed below, please confirm meeting details by viewing the website calendar using the following link:

[http://www.sawpa.org/events](http://www.sawpa.org/events)
### 2018 SAWPA Commission Meetings/Events

First and Third Tuesday of the Month

(NOTE: Unless otherwise noticed, all Commission Workshops/Meetings begin at **9:30 a.m.**, and are held at SAWPA.)

<table>
<thead>
<tr>
<th>January</th>
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<tr>
<td></td>
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<td>6/15/18 Regular Commission Meeting</td>
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<td>11/27 – 11/30/18 ACWA Fall Conference, San Diego</td>
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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, only; the telephone conference as noticed was not connected.

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: SEPTEMBER 5, 2017**
   B. **APPROVAL OF MEETING MINUTES: SEPTEMBER 7, 2017**
   C. **TREASURER’S REPORT – AUGUST 2017**

   **MOVED**, approve the Consent Calendar.

   Result: **Adopted (Unanimously)**
   Motion/Second: Anthony/Hall
   Ayes: Anthony, Hall, Longville, Sullivan
   Nays: None
   Abstentions: None
   Absent: None
5. NEW BUSINESS

A. INLAND EMPIRE BRINE LINE REACH V REHABILITATION AND IMPROVEMENT PROJECT, PHASE 1 – CONTINUED USE OF PUBLIC RELATIONS CONSULTANT (CM#2017.121)
   David Ruhl provided a PowerPoint presentation on public relations efforts relating to the Inland Empire Brine Line Reach V Rehabilitation and Improvement Project, Phase 1, and recommended continuing those efforts.

   MOVED, approve Change Order No. 4 with Hammons Strategies in an amount not to exceed $11,250, increasing the total contract amount to $78,750 and extending the current Agreement for an additional three (3) months through December 2017.

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

B. APPROVAL OF BRINE LINE RATE MODEL RFP (CM#2017.122)
   Carlos Quintero provided a PowerPoint presentation outlining a Request for Proposals (RFP) seeking professional services to prepare a Brine Line rate model.

   MOVED, issue a Request for Proposals (RFP) for professional services to prepare a Brine Line rate model.

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

C. INLAND EMPIRE BRINE LINE ORDINANCE NO. 8 AND RESOLUTION 2017-11 ESTABLISHING LOCAL LIMITS AND BEST MANAGEMENT PRACTICES REQUIREMENTS, INLAND EMPIRE BRINE LINE (CM#2017.123)
   Lucas Gilbert provided a PowerPoint presentation on the proposed Ordinance No. 8 and Resolution 2017-11 establishing local limits and best management practices requirements for the Inland Empire Brine Line. At the conclusion of Gilbert’s presentation, Chair Longville opened the public hearing and invited comments; there were no public comments. Chair Longville closed the public hearing and called for a motion.

   MOVED, adopt Ordinance No. 8 and Resolution No. 2017-11 establishing local limits and best management practices requirements for the Inland Empire Brine Line.

   Result: Adopted (Unanimously)
   Motion/Second: Anthony/Sullivan
   Ayes: Anthony, Hall, Longville, Sullivan
   Nays: None
   Abstentions: None
   Absent: None
D. **2018 MEDICAL INSURANCE CAP (CM#2017.118)**
Rich Haller noted that SAWPA has historically set the medical insurance cap to the lower of the Kaiser or Anthem Blue Cross Family Rate. For 2018, the Anthem Blue Cross Family Rate is $2,105.63 and Kaiser is $1,700.70. Staff therefore requested authorization to adjust the medical insurance cap to $1,700.70, effective January 1, 2018.

**MOVED,** adjust the 2018 medical insurance cap to $1,700.70, which reflects the ACWA/JPIA 2018 Kaiser Family Plan rate.

**Result:** Adopted (Unanimously)

**Motion/Second:** Sullivan/Anthony

**Ayes:** Anthony, Hall, Longville, Sullivan

**Nays:** None

**Abstentions:** None

**Absent:** None

E. **AB 574 QUIRK – POTABLE REUSE**
Rich Haller provided an oral report on AB 574 Quirk – Potable Reuse. AB 574 was enrolled September 13, after having passed the Senate on September 6 and the Assembly on September 11, and is awaiting signature by the Governor. Staff recommended sending a support letter to the Governor on behalf of SAWPA.

**MOVED,** direct the General Manager to send a letter to Governor Brown supporting AB 574 Quirk – Potable Reuse.

**Result:** Adopted (Unanimously)

**Motion/Second:** Anthony/Hall

**Ayes:** Anthony, Hall, Longville, Sullivan

**Nays:** None

**Abstentions:** None

**Absent:** None

6. **INFORMATIONAL REPORTS**
The following oral/written reports/updates were received and filed.

A. **INTER-FUND BORROWING – JULY 2017 (CM#2017.115)**

B. **PERFORMANCE INDICATORS/FINANCIAL REPORTING – JULY 2017 (CM#2017.116)**


D. **FINANCIAL REPORT FOR THE FOURTH QUARTER ENDING JUNE 30, 2017**

E. **FOURTH QUARTER FYE 2017 EXPENSE REPORTS**

F. **OWOW PLAN UPDATE 2018 STATUS (CM#2017.119)**

Mike Antos provided an oral OWOW Plan Update 2018 status report. Commissioner Anthony asked if there were any specific changes to be highlighted. Antos noted data management has been trailing and that educational goals have not been as prominent as they will become moving forward.

Commissioner Sullivan requested that information be brought before the Commission for consideration prior to the OWOW Steering Committee, since the Commission is the authorizing body. Rich Haller assured this will be the case moving forward.
G. **UPDATE ON THE SANTA ANA SUCKER PROTECTION AND BENEFICIAL USE ENHANCEMENT PROJECT (CM#2017.120)**

Ian Achimore provided a PowerPoint presentation on the Santa Ana Sucker Protection and Beneficial Use Enhancement Project. This is a pilot project that will provide valuable information on the creation of future sucker habitat.

H. **GENERAL MANAGER’S REPORT**

Rich Haller announced the Brine Line Operations Center (BLOC) is now fully operational and invited Commissioners to stop by for a facility tour after the meeting.

I. **CHAIR’S COMMENTS/REPORT**

There were no comments/reports from the Chair.

J. **COMMISSIONERS’ COMMENTS**

There were no Commissioners’ comments.

K. **COMMISSIONERS’ REQUEST FOR FUTURE AGENDA ITEMS**

There were no additional requests for future agenda items.

7. **CLOSED SESSION**

Chair Longville recessed the meeting to Closed Session at 10:14 a.m. Designated personnel essential to the discussion of Agenda Item No. 7.A. were present during Closed Session until that discussion concluded at 10:32 a.m. From that time forward, 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 10:39 a.m., and announced the Commission would next consider approval of an employment agreement with Richard E. Haller to serve as the new general manager. Recommendation Summary: Effective date September 19, 2017; annual salary $220,000; monthly automobile allowance; SAWPA pays CalPERS pension EPMC of 4.20% (reduced 1.40% annually until June 30, 2020, at which time SAWPA will pay 0%); vacation, management and sick leave in accordance with existing SAWPA policy; medical coverage/retiree medical coverage in accordance with existing SAWPA policy. Chair Longville called for a motion

MOVED, approve the final version of the employment agreement with Richard E. Haller, effective September 19, 2017, to serve as the General Manager of SAWPA.

Result: Adopted (Unanimously)

Motion/Second: Anthony/Sullivan

Ayes: Anthony, Hall, Longville, Sullivan

Nays: None

Abstentions: None

Absent: None
8. **ADJOURNMENT**

There being no further business for review, Chair Longville adjourned the meeting at 10:41 a.m.

Approved at a Regular Meeting of the Santa Ana Watershed Project Authority Commission on Tuesday, October 3, 2017.

_____________________________________
Susan Lien Longville, Chair

Attest:

_____________________________________
Kelly Berry, CMC
Clerk of the Board
COMMISSION MEMORANDUM NO. 2017.125

DATE: October 3, 2017

TO: SAWPA Commission

SUBJECT: Selection and Period of Service for Two Commission Members on the OWOW Steering Committee

PREPARED BY: Rich Haller, General Manager

RECOMMENDATION
It is recommended that the SAWPA Commission adopt Resolution No. 2017-12 establishing an assignment and period of service on the One Water, One Watershed (OWOW) Steering Committee.

DISCUSSION
On September 5, 2017, the Commission expressed a desire to adopt a rotation of Commissioners assigned to the OWOW Steering Committee. Staff was directed to prepare a Resolution establishing the Commission Vice Chair and Secretary/Treasurer as the assigned Commission representatives to the OWOW Steering Committee, with the Vice Chair serving as convener. The term of service will remain four (4) years maximum (two years as SAWPA Secretary/Treasurer, two years as SAWPA Vice Chair).

CRITICAL SUCCESS FACTORS
There is no critical success applicable to this action.

RESOURCE IMPACTS
No resource impacts.

Attachments:
1. Resolution No. 2017-12
RESOLUTION NO. 2017-12

A RESOLUTION OF THE COMMISSIONERS OF THE
SANTA ANA WATERSHED PROJECT AUTHORITY ESTABLISHING
A ROTATION OF APPOINTMENTS TO THE ONE WATER, ONE WATERSHED
(OWOW) STEERING COMMITTEE

WHEREAS, the SAWPA Commission established and convened the OWOW Steering Committee in 2008 to provide oversight for the development and implementation of the OWOW Plan through a regional stakeholder process;

WHEREAS, the SAWPA Commission approved an amended governance document defining the OWOW Steering Committee roles and membership in January 2013;

WHEREAS, the governance document provides OWOW Steering Committee members shall be appointed to serve terms of four (4) years with staggered end dates;

WHEREAS, the governance document provides for two members of the SAWPA Commission to be appointed to the OWOW Steering Committee by the SAWPA Commission; and

WHEREAS, the SAWPA Commission desires that SAWPA’s participation in the OWOW Steering Committee be shared by commissioners on a rotational basis.

NOW THEREFORE, the SAWPA Commission hereby resolves as follows:

1. The two SAWPA Commission representatives appointed to the OWOW Steering Committee will henceforth be the Vice Chair and Secretary-Treasurer of the Commission.

2. The Vice Chair of the SAWPA Commission shall serve as the convener of the OWOW Steering Committee.

3. Should either/both the Vice Chair and/or the Secretary-Treasurer of the Commission be unavailable to serve for all or a portion of said four (4) year term, the Commission shall appoint another representative from the SAWPA Commission to the OWOW Steering Committee, specify the length of the term to be served or portion thereof, and when applicable designate who will serve as convener.

ADOPTED this 3rd day of October, 2017.

SANTA ANA WATERSHED PROJECT AUTHORITY

By: ________________________________
    Susan Lien Longville, Chair

Attest:

________________________________________
Kelly Berry, CMC
Clerk of the Board
COMMISSION MEMORANDUM NO. 2017.124

DATE: October 3, 2017

TO: SAWPA Commission

SUBJECT: Brine Line TSS Formation Target

PREPARED BY: Carlos Quintero, Senior Project Manager

RECOMMENDATION
It is recommended that the SAWPA Commission change the methodology to calculate the monthly TSS formation target to a 12-month rolling average effective September 1, 2017.

DISCUSSION
SAWPA first identified TSS formation after the costs for BOD and TSS treatment and disposal where established as separate “pass through” costs. TSS forms within the Brine Line as wastewater flows through the Brine Line to the Orange County line. A formula was established beginning in 2007 to allocate the TSS formed in the system. The original billing formula was established after SAWPA conducted a series of studies to quantify the magnitude and determine the causes of TSS formation and identify methods to control it. The formula proposed in 2011 allocated the TSS formation target based on contributions of BOD and Total Hardness to the system.

In November 2015, the SAWPA Commission directed staff to reevaluate the billing formula to ensure that it appropriately distributes the TSS formed in the pipe during transport of brine to the Orange County line. Trussell Technologies performed this evaluation and proposed a revised formula based on the contribution to the system from dissolved BOD, dissolved calcium, and dissolved alkalinity. This revised billing formula was approved by the SAWPA Commission during its July 19, 2016 meeting.

There is no proposed change to the formula itself, but rather on how the total TSS formation target is calculated.

A variable TSS formation target is preferred based on the actual TSS formation from the previous 12 months since it reduces the need for significant changes (see Table 1 below) and it provides a more predictable and accurate correlation between TSS formation in the pipe and pounds of TSS charged to the Brine Line dischargers. Current practice establishes a fixed TSS formation target which requires Commission approval from time to time.

A history of the TSS formation target (in pounds) and the effective date is shown in Table 1 below:

<table>
<thead>
<tr>
<th>Effective Date</th>
<th>TSS Formation Target (lbs)</th>
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<tbody>
<tr>
<td>8/1/2011</td>
<td>469,000</td>
</tr>
<tr>
<td>3/1/2012</td>
<td>447,000</td>
</tr>
<tr>
<td>7/1/2017</td>
<td>215,000</td>
</tr>
<tr>
<td>1/1/2013</td>
<td>114,000</td>
</tr>
<tr>
<td>4/1/2013</td>
<td>62,000</td>
</tr>
<tr>
<td>7/1/2016 - Present</td>
<td>196,000</td>
</tr>
</tbody>
</table>
The 12-month rolling average would begin starting with the September 2017 invoices and will be based on the previous 12-month average (September 2016 through August 2017). The graph below shows the comparison of the actual TSS formation, the TSS formation using a 12-month rolling average, and the TSS formation target used for the July 2016 – August 2017 billing periods. The TSS Formation data is included as a table in Attachment 2.

CRITICAL SUCCESS FACTORS
3. Maintain sufficient funding and reserves for current and future Capital and O&M costs through a stable, predictable, and affordable rates and charges.

RESOURCE IMPACTS
Funds to cover the change in methodology of the TSS formation target calculation and budgeted under Fund 240 (Brine Line Enterprise). TSS charges are considered “pass-through” costs. The change in the calculation of the TSS formation target will likely reduce the difference between what is billed by OCSD and what is billed to the Brine Line dischargers, resulting in more accurate billing.

Attachments:
1. Powerpoint Presentation
2. TSS Formation Target Data
Inland Empire Brine Line
TSS Formation Target

Item 5.B.
October 3, 2017
Recommendation to SAWPA Commission

- Change the methodology to calculate the monthly TSS formation target to a 12-month rolling average effective September 1, 2017.
TSS Formation Target

Background

- OCSD billing point: SARI Metering Station (SMS)

- SAWPA billing points as established by permit
  - Average of all sample results (SAWPA and Permittee)

- BOD inputs (sum of dischargers) more than measured at SMS

- TSS inputs (sum of dischargers) less than measured at SMS

- TSS Formation Billing Formula in use since 2007
  - Allocates TSS formed to contributing discharges

- Previous studies evaluated sample collection, labs, billing formula
  - “Representative Sample” – stinger depth, missed samples
  - Lab testing – 3 labs, triplicate samples
  - Billing Formula – last major update 2016
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<td>4/1/2013</td>
<td>62,000</td>
</tr>
<tr>
<td>7/1/2016 - Present</td>
<td>196,000</td>
</tr>
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TSS Formation Target Comparison

TSS Formation Target Comparison [lbs] (6/16 – 8/17)

- Actual TSS Formation
- TSS Formation 12-mo rolling average
- TSS Formation Target Used (196,000)
TSS Formation Target

Recommendation to SAWPA Commission

- Change the methodology to calculate the monthly TSS formation target to a 12-month rolling average effective September 1, 2017.
## TSS Formation Target Comparison (July 2016 - August 2017)

<table>
<thead>
<tr>
<th>Month</th>
<th>Actual TSS Formation</th>
<th>TSS Formation 12-mo rolling average</th>
<th>TSS Formation Target Used (196,000)</th>
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<td>7/1/2016</td>
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<td>186,057</td>
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<tr>
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<td>8/1/2017</td>
<td>21,818</td>
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General Managers Facilitated Process Report

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.

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.

SAWPA Commission Comments
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.

ACTION
Discuss at monthly GMs meeting (prior to agenda posting). Follow-up with email summarizing concerns. Send email before meeting (written statement of concerns, preferences).
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<td>2</td>
<td>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.]</td>
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**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.

**SAWPA Commission Comments**

**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.

**McKenney:** There are several ways this can be addressed in order to satisfy Commissioner Sullivan's concern.

**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.

**Navarro:** Feels like this recommendation is micromanaging the Commissioner; perhaps the initiating party could be included on the agenda.

**ACTION**

Brief phone call or email if discussion is substantive. Alternatively discuss at monthly GMs meeting. Excludes Closed Session, personnel issues)
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<td>3</td>
<td>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.]</td>
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**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.

**SAWPA Commission Comments**

Longville: Would like to see a definition of what constitutes a member agency's interest.

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.

Hall: Are we impacting the region, the greater good of people? What may impact one negatively could impact another positively.

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.

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.

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.

**ACTION**
SAWPA to compile monthly calendar of meetings with outside agencies. General meeting purpose to be noted.
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<td>4</td>
<td>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.]</td>
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**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.

**SAWPA Commission Comments**

Anthony: I think we can all agree that recommendations 1-5 would all be addressed utilizing the monthly GMs meeting.

**ACTION** Discuss at monthly GMs meeting
### General Managers Facilitated Process Report

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<td>5</td>
<td>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.]</td>
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**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.

**SAWPA Commission Comments**

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.

**ACTION** Seek consensus on issues - discuss at monthly GMs meeting. Coordinate Commission materials in advance if necessary. Modify Commission Memo format to document differences. Set reasonable timeline for collaboration processes.
Once consensus is reached at the General Manager level on specific agenda items:

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.

If consensus cannot be reached on a specific item:

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.

---

**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.

**SAWPA Commission Comments**

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?

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.

Anthony: Do the monthly GMs meetings come into this arena?

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.

Longville: Isn't this the reason why we no longer have five member agency GMs on the PA 23 Committee?

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.

Navarro: Believes this would be a violation of the Brown Act.

**ACTION**

Modify Commission Memo format to discuss agency positions and SAWPA recommendation.
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<td>7</td>
<td>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: 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. [Page 4; Task 3; Paragraph 3.a.]</td>
<td>2</td>
<td>3</td>
<td>3</td>
<td>3</td>
<td>2</td>
<td>4</td>
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**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?

**SAWPA Commission Comments**

**Anthony:** Do there need to be additional committees? This is a wide-open statement.

**Haller:** That is one of the recommendations of the report.

**Sullivan:** Maybe we should just have a 5 in the ratings, then we could delete recommendation 7.

**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.

**ACTION**
At monthly GM meeting discuss upcoming agenda items and meetings (agenda builder, meeting calendar). Commission requested items to be included on agendas.
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<td>8</td>
<td>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.]</td>
<td>4</td>
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**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.

**SAWPA Commission Comments**

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?
Longville: I've had similar thoughts myself; do not want the Commission to be diminished in any way, or our governance.
Anthony: We are not going to be diminished; they better not try.

**ACTION**
At monthly GM meeting discuss upcoming agenda items and meetings (agenda builder, meeting calendar). Commission requested items to be included on agendas.
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<td>9</td>
<td>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.]</td>
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**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.

**SAWPA Executive Counsel: In your opinion, would implementation of this recommendation raise any legal issues for SAWPA?**

**McKenney**
No additional issues.

**SAWPA Commission Comments**
Anthony: A review by whom?
Longville: Review by General Managers.

**ACTION**
At monthly GM meeting discuss new initiatives, programs, task forces, etc. Commission requested items to be included on agendas.
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<td>Discussion of Item 10 is inclusive of Items 11 through 16 below, which are defined as &quot;significant items&quot; in the GMs report.</td>
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| 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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<td>10-16. Commission Memo format will be revised so when required (agency positions vary with no consensus), agency and SAWPA positions can be described within the memo.</td>
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**To SAWPA GM:** How would implementing this recommendation change the management of SAWPA? Affect staff workloads?

**Haller**
- 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.
- 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.

**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.

**SAWPA Commission Comments**
- Sullivan: We need to define what is significant. May be significant for one, but not the other four.
- Evans: Agree with Sullivan; raises the issue of required unanimity on the Commission.
- Hall: Concurred with Evans' concern of required unanimity on the Commission.
- 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.
- 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.
- 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.
- Hall: Agreed with Evans, and also requested the same discussion and clarification.
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<td>17</td>
<td>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.]</td>
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**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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<td>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.]</td>
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**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.

**SAWPA Commission Comments**

- **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.

- **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.

- **Evans:** Raised the issue before that I have a hard time, personally, seeing all Task Forces as Projects. Would like a definition.

- **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.
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<tr>
<td>19</td>
<td>Identification of Project Committees and Participating Agencies: 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.]</td>
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**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.

**SAWPA Commission Comments**

No discussion.
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<td>20</td>
<td>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.</td>
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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?

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.

Evans: This is directly out of the GM report.
Longville: We are looking at the items one at a time.
Anthony: But they are pulled in little pieces, out of context sometimes.

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.
## 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.]**

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<td>21</td>
<td>Proposed amendments to the JPAA are as follows:</td>
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<td></td>
<td>1. A clear and unambiguous definition of “Budget” in the JPAA as an expenditure and contracting ceiling.</td>
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**To SAWPA GM:** How would implementing this recommendation change the management of SAWPA? Affect staff workloads?

Initial impact to develop the definition.

**To SAWPA Executive Counsel:** In your opinion, would implementation of this recommendation raise any legal issues for SAWPA?

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.

**SAWPA Commission Comments**

Anthony: Going past fiscal years is not mentioned here.
Sullivan: Maybe that's a clarification for the GMs; what is the total amount, not an incremental sum over a number of years.
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.
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.
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.
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.
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<td>22</td>
<td>Proposed amendments to the JPAA are as follows:</td>
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<td>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:</td>
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<td></td>
<td>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.</td>
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<td>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.</td>
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<td>[Page 7; Task 4; Paragraph 2. a. &amp; b.]</td>
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<tr>
<th>Haller</th>
<th>To SAWPA GM: How would implementing this recommendation change the management of SAWPA? Affect staff workloads?</th>
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<td></td>
<td>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.</td>
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<tr>
<th>McKenney</th>
<th>To SAWPA Executive Counsel: In your opinion, would implementation of this recommendation raise any legal issues for SAWPA?</th>
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<td>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.</td>
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<p>| SAWPA Commission Comments | No discussion. |</p>
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<td>23</td>
<td>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.]</td>
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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.

SAWPA Commission Comments
No discussion.
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<tr>
<td>24</td>
<td>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.]</td>
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**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.

**SAWPA Commission Comments**
No discussion.
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<td><strong>Items 25 through 28 were considered as one item.</strong></td>
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| 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 | 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.

**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.

**SAWPA Commission Comments**
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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<td>Items 29 and 30 were considered as one item.</td>
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<td>29</td>
<td>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]</td>
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<td>30</td>
<td>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]</td>
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**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.

**SAWPA Commission Comments**
No discussion.
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<tr>
<td>31</td>
<td>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.</td>
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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.

SAWPA Commission Comments

No discussion.
Santa Ana Watershed Project Authority
Report from General Managers

August 2017
Discussion Overview

- Background
  - Report Purpose

- Facilitated Process
  - Commission Directives

- Recommendations
  - Communication/Collaboration
  - Business Practices
  - Joint Powers Authority Agreement
Commission supported facilitated process to discuss and resolve management issues between Member Agencies and SAWPA

Commission asked GMs to develop and make recommendations

Goal of recommendations is to assist SAWPA in effectively implementing projects, programs and strategic initiatives
Facilitated Review Process

- Six meetings from April to July facilitated by Sharon Browning
- All five member agency GM’s participated in all meetings
- Retired SAWPA GM participated in first meeting and gave valuable perspectives
- Interim SAWPA GM participated in final meeting and provided input on report
- Report and recommendations are consensus of all five member agency General Managers
Tasks

1. Identify SAWPA GM Recruitment Attributes (completed late-May)
2. Establish Planning Premises
3. Develop approaches to strengthen SAWPA GM and Member Agency GM working relationships
4. Address issues with operating provisions of JPAA and identify potential revisions
5. Respond to Governance Questions
Planning Premises

SAWPA…

- is needed and must continue to exist
- implements programs and projects that achieve the collective best interests of the member agencies and others
- fosters collaboration through consensus building
- operates under a commonly understood JPAA
Communications/Collaboration Practices

- Two Way communication pathways
- Agree to “No Surprises Rule”

Use existing monthly GM meetings as forum for consensus building

- Goal is always consensus
- If no consensus, agree to provide Commission balanced report
SAWPA General Manager Role

- Reports to Commission and leads organization:
  - GMs agree: “...must have broad latitude and authority to manage...”
  - Proposed coordination with GMs: “…not intended in any way to interfere with …SAWPA GM’s authority..”

- Member Agency GMs and SAWPA GM commitment to working together in the best interests of stakeholders
JPAA Review

- Current JPAA is sound and provides for effective governance
- Recommendation is to better conform business practices to JPAA requirements
  - Project Agreements and Project Committees, as needed
- Implement revisions to both modernize and clarify the JPAA
Conforming Business Practices to JPAA Requirements – Projects

- Jointly identify “Projects” per definition
- Determine those needing Project Agreements
- Identify Project Agreement participants (including outside agencies)
- Develop Project Agreements
- Consistent with June 20, 2017 Commission direction
JPAA Review – Proposed Clarifying and Modernizing Amendments

- Amend JPAA to clarify certain provisions/terms:
  - General and Project Budgets: “...expenditure and contracting ceiling..”
  - Projects – two types proposed:
    - *SAWPA Projects* (Inland Empire Brine Line, OWOW, etc.)
    - *Watershed Partnership Projects* (task forces, round tables, outside funding partners)
  - Matters of Administration
  - Operating Decisions
Retain requirement for unanimous Member Agency/Partner approval of budget

New flexibility provided to increase budget by up to 10% by unanimous Commission approval

- No requirement for unanimous Member Agency Board approval for up to 10% increase
Recommendations

- Receive feedback from Commission regarding report and recommendations
- Schedule a focused Commission Workshop to discuss and refine the recommendations in the report
- Work with SAWPA General Manager to develop joint work plan to implement recommendations:
  - Practices to strengthen working relationships
  - Conforming JPAA operations (Project Committee/Project Agreements)
  - JPAA amendments
Background and Purpose

In recognition of the need to enhance the relationship among SAWPA and its member agencies, a facilitated issues resolution process was considered in late 2016. After a series of preliminary meetings, the SAWPA Commission authorized and supported such a process on February 21, 2017. The Commission’s motion read as follows:

“Support a facilitated process with member agencies to discuss and resolve management issues, sharing in the costs equally with the member agencies, including a report prepared at the conclusion of the process signed off on by all six general managers.”

Sharon Browning of Sharon Browning and Associates (SB&A) was hired to facilitate the identified process which started with individual interviews with each of the six general managers. The interviews identified many of the underlying issues that needed to be resolved and a plan was formulated to resolve those issues. A series of meetings was scheduled but before the meetings began, the former SAWPA General Manager announced her retirement. As a result, the process was modified for the first facilitated meeting to ensure her perspectives on the underlying issues were provided.

The original purpose of the General Managers’ facilitated process was modified by the Commission on May 2, 2017, to include the following additional tasks:

1. Prior to June 1, 2017, provide input to assist the Commission in developing job description criteria and related information for use in SAWPA’s upcoming search for a new General Manager; and

2. Address a list of questions pertaining to SAWPA’s business practices, Project Agreements, and budgeting.

Two additional facilitated meetings took place in May where, among other accomplishments, a Purpose Statement was developed, as follows:

“To prepare, for SAWPA Commission consideration, recommendations that will assist SAWPA to effectively implement programs and projects that achieve the member agencies’ interests and needs. Specifically, the recommendations will:

- Identify some job performance criteria and desired attributes of a new SAWPA General Manager.
- Strengthen the working relationships between the SAWPA GM and Member Agency GMs.
- Strengthen communications and working relationships among the Member Agency General Managers.
Affirm, clarify and strengthen the relationship between SAWPA and the Member Agencies.

Respond to SAWPA Commission questions related to SAWPA business practices, operations under the JPA Agreement and implementation of the One Water One Watershed (OWOW) program.”

In late May, the SAWPA General Manager recruiting attributes and the proposed Purpose Statement were distributed to the Chair of the SAWPA Commission. The receipt of these intermediate work products was acknowledged by the Commission in June.

Four additional facilitated meetings took place in June and July to complete the remaining tasks. As a result of those meetings, this report was drafted and provided to the interim SAWPA GM, Richard Haller, on July 24, 2017. After review and input from Mr. Haller, the final report was completed and transferred to the SAWPA Commission for consideration.

**Task 1: Provide a List of Potential Attributes for the Incoming SAWPA General Manager**

This list of desirable attributes was prepared in response to the Commission’s request for input to a job description that was being developed for the Commission’s search for a new SAWPA General Manager and, as noted above, the list was delivered to the Commission late-May 2017. This list encompasses key strengths which the General Managers believe are important for the success of the organization and the working relationships with the member agencies and other key stakeholders.

1. Be a consensus builder among the Commissioners.

2. Establish effective peer-to-peer relationships with the member agency GM’s based upon mutual respect and collaboration.

3. Understand and represent member agency needs and interests.¹

4. Embrace a culture of transparency, honesty, and openness in business and interpersonal relationships.

5. Be a strategic thinker who can balance the big-picture watershed objectives of the integrated Regional Watershed Plan with those of the SAWPA member agencies.

6. Effectively and efficiently manage the SAWPA agency’s resources and balance the use of staff and consultants.

7. Foster an internal and external culture of collaboration.

¹ The attributes listed were provided to the Commission as written above in late-May 2017. After further consultation among the member agency General Managers and the SAWPA Interim General Manager, it was mutually agreed that this attribute should be modified to read: “Understand and articulate member agency needs and interests”
8. Be an effective external spokesperson and advocate based upon the SAWPA Commission’s established priorities and mission.

**Task 2: Establish Planning Premises**

The goal of this early task in the process was to determine if the General Managers could agree on a common set of assumptions or guiding principles that could be used as a foundation for working to collaboratively develop recommendations to resolve the issues surrounding SAWPA and as the basis for SAWPA’s future operations. In this regard, the following list of “givens” were established:

1. SAWPA is needed and must continue to exist.

2. SAWPA implements programs and projects that achieve the collective best interests of the member agencies while considering the needs of all watershed stakeholders.

3. SAWPA fosters collaboration through consensus decision-making.

4. SAWPA operates under a commonly understood JPAA.

During this task, the General Managers also agreed there needed to be agreement on terms such as “collective best” and “commonly understood.” As the balance of the facilitated process unfolded, these items were clarified through the completion of subsequent tasks included in this report.

**Task 3: Strengthening Working Relationships among the SAWPA General Manager and the Member Agency General Managers**

Some of the key challenges and conflict areas among SAWPA and the member agencies appear to have stemmed from strained working relationships at the executive staff level. To remedy this, the General Managers conducted this task to establish a commonly accepted set of reciprocal practices and protocols to promote coordination, collaboration and professional collegiality among the member agency General Managers, the SAWPA General Manager and the agencies’ staff.

It is important to note that the member agency General Managers clearly understand that the SAWPA General Manager must have broad latitude and authority to manage the day-to-day operations of the organization. Accordingly, the practices and protocols proposed herein are not intended in any way to interfere with, or circumvent, the SAWPA General Manager’s authority and responsibilities to the Commission. Rather, the goal is to create a mechanism to better support the SAWPA General Manager and to improve coordination and achieve consensus at the staff level on important issues going to the Commission.

The recommended practices and procedures for strengthening the important working relationships among the General Managers and staff are divided into three key topic areas of Communications, Collaboration and Business Practices:

1. Communications
a. 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.

b. Ensure member agencies General Managers are informed about substantive meetings and/or conversations the SAWPA General Manager has with the agencies’ respective Commissioners.

c. Member agency General Managers shall be consulted about meetings or actions SAWPA conducts with outside agencies that materially affect that member agency’s interests.

2. Collaboration

   a. 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.

   b. 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.

   c. Once consensus is reached at the General Manager level on specific agenda items:
      i. The staff of SAWPA and the member agencies will support the consensus recommendation; and

      ii. The member agency General Managers will convey the consensus recommendations to their respective Commissioners.

   d. If consensus cannot be reached on a specific item:
      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.

3. Business Practices

   a. 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:
      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.
ii. 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.²

iii. 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.

b. 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.

To ensure the interaction between the member agencies and the SAWPA General Manager is efficient, effective and not overly burdensome, this task also included clearly defining what are considered “significant agenda items” that require advanced review and discussion among the agencies. The goal is to improve coordination and achieve consensus at the staff level on important issues going to the Commission while, as previously noted, leaving the SAWPA General Manager broad latitude to manage the day-to-day activities of the organization.

Accordingly, the recommended list of significant agenda items that the SAWPA General Manager would share and discuss with the member agency General Managers would be limited to those items going to the SAWPA Commission for review or action. These include, but are not necessarily limited to, the following:

1. 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.

2. Significant Administration and Personnel Items
   a. Proposals for salary ranges or benefit changes including any Classification and Compensation studies.

² In compliance with the Brown Act, any agenda items for a Project Committee on which a majority of the member agency General Managers serve would not be subject to review and discussion at the SAWPA General Manager’s meeting.
b. Proposals to increase staffing.

c. Proposals to modify any SAWPA governance related document including, but not limited to, the JPAA and Project Agreements.

d. All formal positions proposed to be taken on pending or approved legislation or regulations.

3. 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.

Task 4: Implementation of Operating Provisions of the JPAA and Areas for Potential Revision

The purpose of this task was to directly address the on-going concerns some member agencies have with SAWPA’s current operations under the JPAA. Additionally, this task also involved answering the question: should the JPAA be changed, and if so, how?

After review of the JPAA and SAWPA’s Strategic Plan and business practices, the General Managers found that the basic structure of the JPAA is sound and provides a governance structure that, if properly implemented, promotes member agency collaboration, commitment and accountability.

Consistent with the direction from the Commission at SAWPA’s June 20, 2017, meeting the General Managers recommend the following collaborative steps to conform SAWPA’s business operations to the JPAA:

1. **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.

2. **Determining Projects Requiring Project Agreements:** Jointly identify those specific activities for which the Commission has formally identified as “projects” and has executed project agreements and where appropriate, established project committees. Activities in this category include task forces or round tables that have existing project agreements with all SAWPA or some of the SAWPA member agencies and external stakeholders (e.g. Basin Monitoring Program Task Force).

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.
3. **Identification of Project Committees and Participating Agencies:** 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.

4. **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.

Additionally, to provide certainty for the member agencies and SAWPA and to improve efficiency, the General Managers recommend consideration by the Commission of potential revisions to modernize and clarify the JPAA. Any amendments to the JPAA would need to be drafted and reviewed by the legal counsels of SAWPA and the member agencies, and would require unanimous approval by the member agencies’ Boards of Directors.

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.

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:
   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.
   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.

3. 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.

4. 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.

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 as follows:

a. 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.

b. Expenditures or contracts for amounts of up to 10% over the approved General Budget may be authorized by unanimous vote of the Commission.³

c. 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.

5. For administering Project Budgets, clarification and revision, as follows:

a. 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).

b. 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.

c. Expenditures or contracts for amounts in excess of 10% over the approved Project Budget may be only be authorized by unanimous approval of the Member Agencies, or the Member Agencies and outside partners in the case of Watershed Partnership Projects.

Existing SAWPA provisions for emergency expenditures under the General Budget or Project Budgets would not be altered by the proposed JPAA revisions recommended above.

The General Managers believe the proposed revisions to the JPAA outlined herein would help provide a clear and commonly understood basis for operating under the JPAA while improving operational efficiency and maintaining the key elements of accountability and financial transparency that the original JPAA structure is intended to provide.

³Currently, any expenditures in excess of the approved budget would require separate authorization by each member agency. This proposal is intended to provide additional flexibility and administrative streamlining.
Task 5 - Responses to Governance Questions Distributed by the SAWPA Chair regarding SAWPA’s Business Practices and Joint Powers Authority Agreement (JPAA)

This final task involved providing responses to a series of questions distributed by the SAWPA Chair on May 2, 2017. Some of the responses to these questions are also reflected in the recommendations developed under previous tasks. The verbatim questions as presented to the General Managers are shown in italics, below, with the General Managers’ response following.

1. Is a member agency experiencing harm from SAWPA’s current business practices?
   a. (Are member agencies being obligated involuntarily for member agency contribution?)

   Yes. Expenses for activities that are “chargeable” and impose “any financial liability” on member agencies appear to have been approved out of compliance with the Project Agreement, Project Committee and voting provisions of the Joint Powers Authority Agreement (JPAA). Section 7 of the JPAA explicitly states that “except for budget items” each member agency has absolute discretion to “approve or disapprove prior to commitment.”

   The concept of a member agency only being required to approve an item if it is being “obligated involuntarily for member agency contribution” is not delineated anywhere in the JPAA. However, the requirement for unanimous member agency approval extends to “any financial liability” without distinguishing between the voluntary and involuntary nature of such expenses.

2. How should the SAWPA general budget be approved?

   Because SAWPA is a five member Joint Powers entity and items in the general budget are chargeable to the member agencies, the budget should continue to be approved by unanimous decision of the member agencies. It is further recommended that once a general budget is approved by the member agencies, that increases to the general budget of up to 10% over the originally approved budget amount could be approved by unanimous vote of the Commission (See Task 4, Section 5, above, for further explanation). Increases to the budget in excess of 10% would still require unanimous approval of the member agencies. Additionally, it is recommended that any previously awarded pass-through grant funding to grant award recipients that is included in the SAWPA General Budget would not be withheld as a result of non-approval of the SAWPA budget by one or more of the member agencies. It should be noted that these clarifications would require revision to the JPAA.

3. What is the purpose of Project Agreements?

   The purpose of a Project Agreement is to ensure that budgets, financial obligations and operating decisions associated with a specific project that involves less than all the members
are approved only by those members. It is also to ensure that non-participating member agencies are not exposed to project liabilities or expenses.

4. What are the essential elements of a Project Agreement?

The essential elements of a Project Agreement should include, but not necessarily be limited to, the following items: Definition of the project’s scope; Project Committee membership (if less than all the member agencies); a clarification of project liabilities; statement of JPAA voting procedures for budgets, financial obligations and operating decisions relative to the project; allocation of project and administrative costs; and definition of SAWPA staff participation.

5. What authority should Project Committees have?

Project Committees should have full authority to make any and all project decisions on behalf of the participants. Voting procedures shall be accordance with the JPAA with the approval of budgets and operating decisions being made on a unanimous basis.

6. Who should Project Committee representatives be?

SAWPA Project Committee members should be Commissioners or General Managers, at the sole discretion of the participating agency. Member agencies are sophisticated and are aware that their appointed Project Committee members – whether a Commissioner or General Manager – are making decisions that obligate the member agency. There are some projects that are more technical in nature and the Project Committee may wish to obtain the input from an Ad Hoc Technical Work Group, which could be made up of member agency designated staff or others, as necessary.

Under separate cover, it is recommended that two types of Project Committee be defined in the JPAA: SAWPA Project Committees and Watershed Partnership Project Committees. The representatives and membership in the former is described, above. The membership of Watershed Partnership Project Committees would include SAWPA member agencies and outside funding partners, and representation on the committees would include Commissioners or General Managers from the member agency participants, and one designated representative from each outside partner.

7. How should enterprise-funded activities be handled by the Commission?

The JPAA and project committee format is fully compatible with a variety of funding sources and there is no apparent need for distinguishing between enterprise-funded and non-enterprise funded activities. To the extent an activity involves less than all the SAWPA agencies, any enterprise-type assessments or rates that are used to fund the activity should be voted on and approved unanimously by the affected member agencies. If the activity involves all SAWPA member agencies, any assessments or rates and charges that are used to fund the enterprise should be voted on and approved unanimously by the Commission.
Although an enterprise activity such as the brine line may involve external agencies or users, this activity has been developed and managed by SAWPA and, therefore, should be governed by the SAWPA Commission or SAWPA Project Committee, as appropriate.

8. **How should the Commission make decisions about actions implementing an approved budget?**

Once the budget is unanimously approved (whether General Budget or a Project Budget), expenditures from the approved budget should continue to be made by majority vote. However, no expenditure shall be approved for unbudgeted items or for contracting that exceeds the approved budget (either General Budget or Project Budget) without unanimous consent of the Commission or Project Committee.

9. **To implement OWOW, does SAWPA comprise the appropriate member agencies?**

Yes. The five member agencies are regional in nature and geographically represent the entire three-county watershed. Integrated Regional Watershed Management Plans (IRWMPs) in other areas of the State are typically managed by only one regional agency (a single regional water authority, flood control agency, County, etc.).

Having five agencies implement the IRWMP through the OWOW process provides a base level of regional agency diversity. In an effort to ensure further stakeholder participation, SAWPA has established a Steering Committee that includes county, city, NGO and other non-SAWPA representatives. The Steering Committee’s recommendations have been duly considered and for the most part, uniformly ratified by the Commission. As such, there is no compelling argument that the current governance structure for OWOW needs revision or that SAWPA’s governance needs to change for this purpose.

**Conclusion and Recommended Next Steps**

This report includes a series of recommendations regarding practices to improve relationships among the agencies’ General Managers, conforming SAWPA’s operations to the JPAA through the formation and implementation of Project Agreements and Project Committees, and development and approval of a series of amendments and clarifications to the JPAA. Most of the recommendations to strengthen the working relationships among SAWPA and the member agency management teams are administrative and can be implemented immediately at the staff level. These practices should be put in place as soon as practicable and evaluated by the General Managers on an annual basis to determine effectiveness and to identify opportunities for continuous improvement.

Effectuating the recommendations to establish Project Agreements and Project Committees and to amend and clarify the JPAA will require discussion, review and approval among the Commission and the member agencies’ management teams, legal counsels and governing bodies. The General Managers recommend that a consensus Implementation Plan be developed jointly among SAWPA and the member agencies’ management staff that details the steps and actions necessary for implementation. This plan would be presented to the Commission for review and direction to move forward.
This report is respectfully submitted to the Commission for its review and consideration and represents the consensus views of the SAWPA member agency General Managers in consultation with the SAWPA General Manager. As noted herein, the General Managers firmly believe SAWPA is needed and must continue to exist as a healthy organization that achieves the collective best interests of the member agencies, while providing substantial benefits to the entire Santa Ana River Watershed. This is best accomplished through consensus decision-making and collaborative, productive and collegial working relationships between the SAWPA staff, Commissioners and the member agencies. When it works - it works well, and it is the goal of the General Managers in developing this report to provide recommendations that will improve and optimize the organization and its overall effectiveness.
CALL TO ORDER
John Rossi called the meeting to order at 7:35 a.m. at SAWPA, 11615 Sterling Avenue, Riverside, California.

OWOW UPDATE
Mark Norton provided handouts and noted that DWR announced that they will be postponing their release of the Proposition 1 IRWM Round 1 grant funding for implementation for about six months. The draft project solicitation package for the Grant Application will be released in February/March 2018. The deadline for the grant submittal will be pushed back to the fall of 2018. He noted that there were status reports provided to the SAWPA Commission on September 5 regarding the Disadvantaged Community Involvement and OWOW. Two pillar meetings took place in late August that both Mike Antos and Bob Tincher facilitated and through a brainstorming process eight conceptual projects arose for possible funding through Proposition 1 IRWM Round 1. Mark Norton also provided the Goals and Objectives that will be taken to the OWOW Steering Committee Meeting on September 28. There were concerns regarding the language stating “SAWPA’s engagement to eliminate environmental injustice in the watershed”. It was concurred that the language would be revised. It was also requested that there be a red lined version of the goals and objectives to see the comparison of the changes between the proposed ones and the ones from OWOW 2.0 Plan.

ROUNDTABLES UPDATE
Mark Norton provided an oral update and distributed a handout of the Roundtable efforts. The Santa Ana Sucker Habitat Restoration is a project that is being funded by the Regional Board SEP funds as well as grant funds from US Fish and Wildlife Service. We’ve been working closely with Orange County Water District’s staff with putting together the Mitigated Negative Declaration and Initial Study and it is anticipated to be taken to the SAWPA Commission for approval December 2017.

Mark Norton informed the General Managers that a meeting with the SARCCUP agencies and their general managers will be held on October 3 and would replace the PA23 meeting on October 3. It is anticipated that the decision support model scenarios work will be done by CH2M and the planning managers and General Managers could meet and debrief. The next PA23 meeting will be on November 7. Also, based on the work progress it is suggested to cancel the PA22 meeting scheduled for September 28. Paul Jones, chair of PA 22 Committee, concurred.

UPDATES/DISCUSSION ITEMS
Brine Line Update. Rich Haller provided updates on the following:

- Reach V Repair, Task 4 Status Change Order No. 6 – Reach V Repair completion is projected to be January 31, 2018. Instituform has been putting in the cured in place pipe and the last installation segment will be completed October 3. There has been an extensive coordination with the public; We are Temescal Valley Facebook page, and distribute weekly flyers with updates. Traffic is being maintained, and all is going well.
Pretreatment Program Update:
  o Ordinance, Local Limits Update (Draft Ordinance No. 8 Local Limits Resolution) – There is a Public Hearing today on adoption of Ordinance No. 8. All comments received have been incorporated, and once approved the program documents will be updated.
  o Beaumont Request to Discharge to Brine Line – OCSD requested additional information from the City of Beaumont. The city is requesting approval to connect to the Inland Empire Brine Line. Dairy Farmers of America has been in communication with Beaumont and wants to sell their capacity, but Beaumont wants the purchase to be through WMWD and SBVMWD. The details are still being worked out.
  o Mountainview Permit – A meeting took place with OCSD staff, Bob Tincher, Joe Zoba, and Jim Herberg to go over the Mountainview Permit jurisdiction concerns. After much discussion it was decided to go with OCSD’s recommendation and issue a three-way signature permit between SBVMWD, SAWPA, and YVWD.

OCSD Rock Removal – The OCSD Rock Removal design is on schedule to remove the rock that was protecting the original pipeline now abandoned, and rock removal “construction” is anticipated for 2018.

Joint Operations Committee Meeting – The Joint Operations Committee meeting was postponed from September to October. In conjunction with that there’s been discussion in having a boat tour of the outfall and inviting the SAWPA Commission.

Lease and Loan Capacity Pool – The Lease and Loan Capacity Pool is addressed by Ordinance No. 8. IEUA has requested additional time to provide a detail review of the Lease and Loan Capacity Pool agreement. It will be taken to the SAWPA Commission for approval in October.

Inland Bioenergy Permit Violations – Inland Bioenergy has had issues in operating consistently within the permit requirements and had two major upsets in their digesters. SAWPA and IEUA staff is investigating the violation. Rich Haller noted there was debris downstream in the pipeline and it’s anticipated to charge Inland Bioenergy for the line cleaning.

Anaergia – Anaergia (located on the site formerly occupied by Enertech) has indicated they’d like to apply for a Discharge Permit. We’ll be working with Anaergia in making sure they comply with the Ordinance and all the limit requirements.

RFP for Rate Model – A Request for Proposal (RFP) for professional services to prepare a Brine Line Rate Model will be taken to the SAWPA Commission today for approval.

FUTURE SAWPA COMMISSION AGENDA ITEMS
Rich Haller provided the General Managers with the Agenda Planning Matrix. He noted that the matrix will be updated and provided in the future GM Meetings.

SCHEDULE NEXT GM MEETING
The next General Managers meeting is scheduled for October 10, 2017, at 7:30 a.m. at SAWPA.

The meeting adjourned at 8:42 a.m.

COMMISSION REVIEW: October 3, 2017
2017-9-19 GM Mtg Notes