



**SAWPA COMMISSION  
REGULAR MEETING MINUTES  
OCTOBER 2, 2018**

**COMMISSIONERS PRESENT**

Mark Bulot, Chair, San Bernardino Valley Municipal Water District  
Jasmin A. Hall, Secretary-Treasurer, Inland Empire Utilities Agency  
David J. Slawson, Alternate, Eastern Municipal Water District  
Bruce Whitaker, Orange County Water District  
Thomas P. Evans, Western Municipal Water District

**COMMISSIONERS ABSENT**

Ronald W. Sullivan, Vice Chair, Eastern Municipal Water District

**ALTERNATE COMMISSIONERS  
PRESENT; NON-VOTING**

Kati Parker, Alternate, Inland Empire Utilities Agency  
Brenda Dennstedt, Alternate, Western Municipal Water District (9:46 a.m.)

**STAFF PRESENT**

Rich Haller, Larry McKenney, Karen Williams, Mark Norton, Pete Vitt,  
David Ruhl, Carlos Quintero, Mark Antos, Kelly Berry

The Regular Commission Meeting of the Santa Ana Watershed Project Authority was called to order at 9:30 a.m. by Chair Bulot at the Santa Ana Watershed Project Authority, 11615 Sterling Avenue, Riverside, California.

**1. CALL TO ORDER/PLEDGE OF ALLEGIANCE**

**2. ROLL CALL**

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

**3. PUBLIC COMMENTS**

There were no public comments.

**4. SAN DIEGO ASSOCIATION OF ENVIRONMENTAL PROFESSIONALS – AWARD**

The SAWPA Outreach Brochures prepared by Woodard & Curran and SAWPA were recently acknowledged by the San Diego Association of Environmental Professionals with its award for Outstanding Public Involvement. Woodard & Curran's Senior Project Manager Rosalyn Prickett and Water Resources Planner Nicole Poletto were in attendance and commended for their work on the brochures.

**5. CONSENT CALENDAR**

**A. APPROVAL OF MEETING MINUTES: SEPTEMBER 18, 2018**

Recommendation: Approve as posted.

**B. DISPOSAL OF SAWPA SURPLUS PROPERTY (CM#2018.99)**

Recommendation: Receive and file.

**MOVED**, approve the Consent Calendar.

Result: **Adopted (Unanimously)**  
Motion/Second: Evans/Whitaker  
Ayes: Bulot, Evans, Hall, Slawson, Whitaker  
Nays: None  
Abstentions: None  
Absent: None

## 6. NEW BUSINESS

### A. INJURY AND ILLNESS PREVENTION PLAN (IIPP) (CM#2018.100)

Carlos Quintero provided a PowerPoint presentation, a copy of which was provided to the Commission, staff and the public, regarding SAWPA's Injury and Illness Prevention Plan (IIPP). SAWPA currently provides ongoing training covering 24 specific programs. A safety committee meets regularly, along with biweekly safety tailgate meetings.

This item was for informational and discussion purposes; no action was taken on Agenda Item No. 6.A.

### B. WECAN EXPANSION IN THE CITY OF RIVERSIDE (CM#2018.101)

Mike Antos provided an oral report about the WECAN program background, expansion and funding utilization. The City of Riverside would like to partner with SAWPA for further expansion of the existing program via a grant they will file with the Strategic Growth Council for a transformative climate communities grant opportunity. The Strategic Growth Council requires a Memorandum of Understanding (MOU) which will be brought to the Commission for consideration at the October 16, 2018 meeting.

This item was for informational and discussion purposes; no action was taken on Agenda Item No. 6.B.

### C. PROPOSED JPA AMENDMENTS AND NEW PROJECT AGREEMENT 24 (CM#2018.102)

Rich Haller provided the PowerPoint contained in the agenda packet (pages 21-30); the Commission had provided direction to staff during the September 18 regular meeting to continue discussions with Member Agency General Managers seeking additional input regarding PA 24 Committee appointed members, definition of operating decisions and procedures, and unanimous approval of budget overruns and adjustments. Agenda packet materials contained two proposed draft Project Agreement 24 documents – one which proposed amendments to the SAWPA Joint Powers Authority Agreement (JPAA), which was provided to the Commission at the September 18 meeting, and one which does not propose amendments to the JPAA and does allow Member Agency GMs to be appointed to the committee. Haller referenced revised flowcharts originally contained in the agenda packet (pages 57-60), which were provided to the Commission, staff and the public.

Commissioner Evans noted he had raised earlier the issue of a trouble-making provision and the need to clearly define the term operating decision; he noted the SAWPA General Manager makes operating decisions within his authority and anything beyond that would come before the Commission. Rich Haller noted that operating decisions which have come to the Commission may not have been highlighted as such and, as an example, would have been in the form of a contract, such as the Reach V rehabilitation bypass pipeline. Haller referenced pages 41-49 of the agenda packet containing a table listing Commission actions regarding the Brine Line from January 2015 through May 2018. The intent of the draft PA 24 is to define operating decisions as higher level and not day-to-day decisions; however, Haller supported inclusion of clearly worded language delineating what would be taken to the PA 24 Committee as an operating decision vs. what the SAWPA General Manager would make as a

day-to-day operating decision.

Larry McKenney noted the JPAA currently states that budget and operating decisions go to the Member Agencies. It is proposed in this JPAA amendment to change that language from being a decision of all the Member Agencies to being a unanimous decision of the PA 24 Committee or the Commission; the question of defining an operating decision remains. In the draft PA 24 there is an effort to define that for Brine Line purposes. Commissioner Evans stated this is a potential problem and suggested its removal.

Commissioner Evans noted his position that the PA 24 Committee should be comprised only of Commissioners and Alternates, and he continues to be opposed to appointment of the General Managers to the committee. Currently there is a meeting of the General Managers which is not public. If those same General Managers are appointed to the PA 24 Committee, they will be meeting in private, collectively coming to a decision about matters that the General Managers will then present back to themselves as members of the PA 24 Committee, which is a fundamental violation of the Brown Act. A violation, perceived or otherwise, should not be built into this process.

Chair Bulot noted it is the desire of some Commissioners to have the advice of their General Managers available during those meetings. The presence of the General Managers at the committee meetings, not necessarily as a PA 24 Committee member, would certainly fulfill that need and keep Commissioner Evans's concern out of the equation. Commissioner Evans agreed on the importance of technical input from General Managers, but he did not support them meeting collectively as PA 24 Committee members then re-approving something discussed among them previously.

Alternate Commissioner Slawson did not support precluding any Member Agency from making this decision, since the JPAA is currently supportive of appointing General Managers, and he did not see the Brown Act violation; perhaps the wiser decision would be to hold the General Manager meetings in accordance with the Brown Act. General Manager Miller and General Manager Markus voiced their desire that the meetings continue as non-Brown Act. Certainly, an option could be a split membership on the PA 24 Committee like the PA 23 Committee which is two General Managers and three Commissioners. Deputy General Manager Nick Kanetis suggested matters going before the PA 24 Committee would not be discussed at the General Manager meetings which would preclude any perceived or actual violation. General Manager Miller voiced concern this would further limit the matters that could be discussed collectively by the General Managers – matters which are core functions of SAWPA.

Chair Bulot noted the way to structurally accommodate a free exchange of ideas with the General Managers and accomplish the challenge of having operational decisions being made by non-Commissioners is that those Commissioners on the PA 24 Committee have their General Manager or engineer in attendance and available to provide technical expertise. Commissioner Hall voiced her support, noting that is how IEUA operates. Commissioner Whitaker supported a streamlined process and achieving separation of technical staff and electeds.

Chair Bulot stated it did not appear the Commission was ready to make a decision at this point. Haller noted the one version of the PA 24 not presented was one that limits membership to Commissioners and Alternate Commissioners, which could be prepared with this scenario included – then the Commission would have all available options before it for consideration.

Chair Bulot added that consideration of defining operational decisions remains outstanding – does the Commission desire to require unanimity on operational decisions the same as with budget decisions and would this include day-to-day operational decisions, high-level operational decisions, or both? In the past, decisions which have created difficulty were those regarding matters beyond the budget. Rich

Haller noted that the day-to-day reference document utilized by staff is the Sewer System Management Plan (SSMP), which was approved by the Commission and provides the general guidance used to operate and maintain the Brine Line. The SSMP could be the upper level policy decision, which was already made by the Commission that the PA 24 Committee could adopt which would give staff the guidance in operating and maintaining the Brine Line. Commissioner Evans noted actions and operations under the SSMP could be delegated, and those that are not would come back to the Commission; but a delegation authority should be considered stating what the SAWPA General Manager can do to keep the Brine Line operational. Chair Bulot suggested that each Commissioner revisit the SSMP that would be incorporated by reference in the PA 24 language, so the Commission understands what a committee-level operational decision would be rather than something that could be delegated. A reference to the SSMP would make the PA 24 language more definitive in terms of what is operational. Haller noted the SSMP would be provided to Commissioners and Alternates, and that the matter would be brought before the Commission for further consideration at the October 16 regular meeting. Commissioner Whitaker encouraged achieving consensus to the extent possible and its importance moving forward.

No action was taken on Agenda Item No. 6.C.

**7. INFORMATIONAL REPORTS**

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

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

There were no further Chair comments or reports.

**B. COMMISSIONERS' COMMENTS**

There were no further Commissioners' comments.

**C. COMMISSIONERS' REQUEST FOR FUTURE AGENDA ITEMS**

There were no further requests for future agenda items.

**8. SAWPA COMMISSION MEETING SCHEDULE – NOVEMBER 2018**

It was determined that a quorum will be present for the November 20, 2018 Commission meeting; by consensus of the Commission that the meeting will be held as scheduled.

**9. CLOSED SESSION**

Chair Bulot recessed the meeting to Closed Session at 10:34 a.m. During Closed Session, designated personnel essential to the discussion of Agenda Item No. 9.A. were present; only Rich Haller was present during portions of the discussion of Agenda Item No. 9.B.

**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. PUBLIC EMPLOYEE ANNUAL PERFORMANCE EVALUATION – PURSUANT TO GOVERNMENT CODE SECTION 54957**

Title: General Manager

Chair Bulot resumed Open Session at 11:21 a.m. There was no reportable action.

**10. ADJOURNMENT**

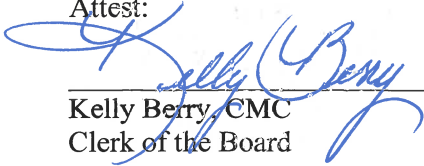
There being no further business for review, Chair Bulot adjourned the meeting at 11:21 a.m.

**Approved at a Regular Meeting of the Santa Ana Watershed Project Authority Commission on Tuesday,  
October 16, 2018.**



Mark Bulot, Chair

Attest:



Kelly Berry, CMC  
Clerk of the Board