

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

**August 9, 2023, 6:00 p.m.
Sweetwater Authority Administration Building
505 Garrett Avenue
Chula Vista, CA 91910**

Directors Present: Josie Calderon-Scott, Steve Castaneda, Manny Delgado, Hector Martinez, Paulina Martinez-Perez, * Ron Morrison (6:32 p.m.), and Ditas Yamane

Staff Present: General Manager Carlos Quintero, Assistant General Manager Roberto Yano, Legal Counsel Nicholas Norvell, Board Secretary Ligia Hoffman, Director of Water Quality Justin Brazil, Director of Engineering and Operations Erick Del Bosque, Assistant Board Secretary Michael Garcia, Program Manager Dan Hayes, Public Affairs Manager Leslie Payne, and Director of Finance Rich Stevenson

Others Present: Maria Martinez

Pursuant to the Brown Act Government Code Section 54953, this meeting was held in person and via teleconference.

1. Call Meeting to Order and Roll Call

Chair Martinez called the meeting to order at 6:00 p.m.

2. Pledge of Allegiance to the Flag

3. Opportunity for Public Comment

Maria Martinez commented on the plan for solar panels at Sweetwater Reservoir; questioned how the Authority informs its residents, and commented on the effect on area freshwater.

4. Chair's Presentation

There was none.

ACTION CALENDAR AGENDA

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 Items to be Added, Withdrawn, or Reordered on the Agenda

There were none.

6. Approval of Minutes

6.1 Regular Board Meeting of June 28, 2023

Motion by: Director Castaneda

Seconded by: Director Calderon-Scott

that the Governing Board approve the minutes of the Regular Board meeting of June 28, 2023.

Ayes (6): Director Calderon-Scott, Director Castaneda, Director Delgado, Director Martinez, Director Martinez-Perez, and Director Yamane

Absent (1): Director Morrison

Motion Carried Unanimously (6 to 0)

7. Consent Calendar Items

Director Calderon-Scott pulled items 7.1 and 7.5 for discussion.

Motion by: Director Castaneda

Seconded by: Director Yamane

that the Governing Board approve Consent Calendar items 7.2 through 7.4, and 7.6.

Ayes (6): Director Calderon-Scott, Director Castaneda, Director Delgado, Director Martinez, Director Martinez-Perez, and Director Yamane

Absent (1): Director Morrison

Motion Carried Unanimously (6 to 0)

7.2 Consideration of U.S. Geological Survey Proposal for Seawater Intrusion and Land Subsidence Investigations

(Engineering and Operations Committee of 7/31/23)

Recommendation: Authorize the General Manager to execute an agreement with the United States Geological Survey to perform an investigation of seawater intrusion and land deformation in accordance with their proposal dated May 23, 2023, for a total cost of \$342,000, of which the Authority would fund a not-to-exceed amount of \$282,000, with remaining funds to be contributed by the United States Geological Survey

7.3 Consideration to Authorize Additional As-needed Engineering Services for HDR Engineering, Inc.

(Engineering and Operations Committee of 7/31/23)

Recommendation: Authorize the General Manager to execute Amendment No. 2 to the Agreement in the amount of \$38,435 for engineering services in accordance with Phase 2b of HDR's cost proposal dated July 17, 2023, resulting in a total not-to-exceed amount of \$113,315.

7.4 Consideration to Approve the South Bay Irrigation District FY 2023-24 Budget, pursuant to the Fund Transfer and Reimbursement Agreement between Sweetwater Authority and South Bay Irrigation District

(Finance and Administration Committee Meeting of 7/31/23)

Recommendation: Approve the South Bay Irrigation District FY 2023-24 Budget.

7.6 Training Report Summary (Information Item)

(Finance and Administration Committee Meeting of 7/31/23)

Recommendation: No action is required by the Governing Board.

ITEMS PULLED FROM CONSENT CALENDAR

7.1 Consideration of a Cost-Sharing Agreement with Otay Water District for the Recycled Water Market Study

(Engineering and Operations Committee of 7/31/23)

Motion by: Director Martinez-Perez

Seconded by: Director Yamane

that the Governing Board authorize the General Manager to execute the Agreement with Otay Water District for cost-sharing of the Recycled Water Market Study, estimated to cost \$300,000, with any costs not funded through a grant to be equally shared between Sweetwater Authority and Otay Water District, and any grant proceeds to be distributed equally between Sweetwater Authority and Otay Water District.

Ayes (6): Director Calderon-Scott, Director Castaneda, Director Delgado, Director Martinez, Director Martinez-Perez, and Director Yamane

Absent (1): Director Morrison

Motion Carried Unanimously (6 to 0)

7.5 Consideration to Approve Amendment No. 1 to the 2023 Water Rate Cost of Service Study Agreement with NBS

(Finance and Administration Committee Meeting of 7/31/23)

Motion by: Director Calderon-Scott

Seconded by: Director Delgado

that the Governing Board authorize the General Manager to approve Amendment No. 1 to the 2023 Water Rate Cost of Service Study Agreement with NBS in the amount of \$25,100

Ayes (6): Director Calderon-Scott, Director Castaneda, Director Delgado, Director Martinez, Director Martinez-Perez, and Director Yamane

Absent (1): Director Morrison

Motion Carried Unanimously (6 to 0)

Action and Discussion Items

8. Consideration of Memorandum of Understanding with the Bonita Museum and Cultural Center for an Audio-Visual Display

(Finance and Administration Committee Meeting of 7/31/23)

(Note: Director Morrison entered the meeting at 6:32 p.m.)

Motion by: Director Calderon-Scott

Seconded by: Director Delgado

that the Governing Board approve the proposed MOU as presented, and direct the General Manager to execute the MOU.

Ayes (7): Director Calderon-Scott, Director Castaneda, Director Delgado, Director Martinez, Director Martinez-Perez, Director Morrison, and Director Yamane

Motion Carried Unanimously (7 to 0)

9. Old and Unfinished Business

9.1 Update on the No-Discharge Flushing Program (Information Item)

Director of Engineering and Operations Erick Del Bosque provided a presentation.

No action was required by the Governing Board.

10. New Business

10.1 Consideration to Establish a Community Advisory Work Group

General Manager Quintero provided a presentation.

Motion by: Director Castaneda

Seconded by: Director Calderon-Scott

that the Governing Board establish a Community Advisory Work Group (Group) and select the list of potential topics for the Group to discuss:

1. Recreation and trail opportunities in Sweetwater Reservoir
2. Trail improvements around Loveland Reservoir
3. Floating solar project
4. Reservoir enhancement project
5. Increase outreach for water conservation rebates

Ayes (7): Director Calderon-Scott, Director Castaneda, Director Delgado, Director Martinez, Director Martinez-Perez, Director Morrison, and Director Yamane

Motion Carried Unanimously (7 to 0)

10.2 ACWA Board Officers' Election for President and Vice President

Motion by: Director Martinez

Seconded by: Director Martinez-Perez

that the Governing Board elect Cathy Green for President.

Ayes (7): Director Calderon-Scott, Director Castaneda, Director Delgado, Director Martinez, Director Martinez-Perez, Director Morrison, and Director Yamane

Motion Carried Unanimously (7 to 0)

Motion by: Director Martinez

Seconded by: Director Castaneda

that the Governing Board elect Ernesto "Ernie" A. Avila for Vice President.

Ayes (7): Director Calderon-Scott, Director Castaneda, Director Delgado, Director Martinez, Director Martinez-Perez, Director Morrison, and Director Yamane

Motion Carried Unanimously (7 to 0)

10.3 ACWA Region 10 Board Ballot - 2024-2025 Term

Motion by: Director Martinez-Perez

Seconded by: Director Yamane

that the Governing Board elect Dana Frieauf for Chair; Charles T. Gibson for Vice Chair; Manny Delgado and Jose Martinez as the San Diego County Candidates for Board Members; and Marice H. DePasquale, George Murdoch, and Deborah Neev as the Orange County Candidates for Board Members.

Ayes (7): Director Calderon-Scott, Director Castaneda, Director Delgado, Director Martinez, Director Martinez-Perez, Director Morrison, and Director Yamane

Motion Carried Unanimously (7 to 0)

10.4 Consideration to take an Oppose Unless Amended Position on Proposed Bill AB 399 (Boerner) and Support Position on AB 1594 (Garcia)

Motion by: Director Castaneda

Seconded by: Director Yamane

that the Governing Board take an opposed unless amended position on AB 399 (Boerner) and support position on AB 1594 (Garcia).

Ayes (7): Director Calderon-Scott, Director Castaneda, Director Delgado, Director Martinez, Director Martinez-Perez, Director Morrison, and Director Yamane

Motion Carried Unanimously (7 to 0)

11. Approval of Directors' Attendance at Meetings and Future Agenda Items

11.1 Per diem approval for Directors who attended the Southern California Water Coalition Quarterly Luncheon – July 28, 2023

11.2 Per diem approval for Directors who wish to attend a tour of a floating solar facility in Healdsburg, California – September 7, 2023

(Note: To avoid quorum, no more than three Directors may attend this event.)

Motion by: Director Martinez-Perez

Seconded by: Director Delgado

that the Governing Board approve per diem for items 11.1 and 11.2, noting that the dates for item 11.2 may need to be rescheduled to September 12, 2023.

Ayes (7): Director Calderon-Scott, Director Castaneda, Director Delgado, Director Martinez, Director Martinez-Perez, Director Morrison, and Director Yamane

Motion Carried Unanimously (7 to 0)

11.3 San Diego Chapter CSDA Quarterly Dinner Meeting - August 17, 2023

"The Future is Already Here: AI-ML and San Diego's Economy," presented by Eduardo Velasquez, Senior Director, Research & Development, San Diego Regional EDC

No action was required by the Governing Board.

REPORTS AND INFORMATIONAL ITEMS

12. Delayed Revenue Balance Dashboard

13. Committee Minutes

14. Committee Look Ahead

14.1 Engineering and Operations Committee Six-Month Look Ahead FY 2023-24 Q1 and Q2

(Engineering and Operations Committee Meeting of July 31, 2023)

15. Informational Reports

15.1 Quarterly Report of One-time Water Bill Adjustments – Fourth Quarter FY 2022-23

15.2 Quarterly Consultant Report – Fourth Quarter FY 2022-23

15.3 Quarterly Vendor Agreement Listing – Fourth Quarter FY 2022-23

16. Report of Legal Counsel

There were none.

17. Report of Management

General Manager Quintero reported on:

- Welcoming the new Assistant General Manager Roberto Yano;
- ACWA Conference registration is open. Please contact the Board Secretary to register;
- Lemon Festival is this weekend in Chula Vista and the Authority will have a booth and water trailer;
- Regarding delinquent bills, the city is considering extending the available funds to earlier months;
- the State Budget included a grant to Sweetwater Authority for \$750,000 for trail improvements at Loveland Reservoir, and
- An update on water levels at Loveland and Sweetwater Reservoirs.

17.1 Management Monthly Report - June 2023

18. Reports by Directors on Events Attended

18.1 ACWA Region 10 Tour - June 29, 2023

Director Delgado provided a report.

18.2 South County Economic Development Council Meeting - July 11, 2023

Director Castaneda provided a report.

18.3 Council of Water Utilities Meeting - July 18, 2023

Directors Castaneda, Delgado, and Martinez provided a report.

18.4 Other Events Attended

19. Directors' Comments

Director Morrison commented on the long-standing issue of raw sewage in the Imperial Beach area.

Director Martinez-Perez commented on public perception.

Director Martinez commented on being fully staffed, the recycled water project; completing projects, reservoir enhancement, and looks forward to completing the water rate study.

20. Closed Session

At 7:47 p.m. the Board convened in closed session for items 20.1 through 20.5 as stated on the agenda.

Director Morrison noted his recusal for the record from one of the cases being discussed in item 20.3.

20.1 Conference with Labor Negotiator pursuant to Government Code Section 54957.6:

Agency Negotiators: General Manager Carlos Quintero

Unrepresented Employees: Assistant General Manager, Director of Administrative Services, Director of Engineering and Operations, Director of Finance, and Director of Water Quality

20.2 Conference with Labor Negotiator pursuant to Government Code Section 54957.6:

Agency Negotiators: General Manager Carlos Quintero

Employee Organizations: Sweetwater Authority Employees' Committee, Sweetwater Authority Middle Management Group, and Sweetwater Authority Confidential Group

20.3 Conference with Legal Counsel – Anticipated Litigation – Significant Exposure to Litigation pursuant to Government Code Section 54956.9 (d)(2): Two (2) Potential Cases

20.4 Conference with Legal Counsel - Anticipated Litigation - Initiation of Litigation pursuant to Government Code Section 54956.9 (d)(4): One (1) Potential Case

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

United States, et al. ex rel John Hendrix v. J-M Manufacturing Company Inc., and Formosa Plastics Corporation, U.S.A., Case No. ED CV06-00055-GW

Relating to Item 20.4, during closed session:

Motion by: Director Martinez

Seconded by: Director Calderon-Scott

that the Governing Board authorize the initiation of litigation.

Ayes (7): Director Calderon-Scott, Director Castaneda, Director Delgado, Director Martinez, Director Martinez-Perez, and Director Yamane

Motion Carried Unanimously (7 to 0)

The names of the defendants and the nature of the action will be made available upon request after the action has been commenced, as long as such disclosure will not jeopardize service or settlement negotiations.

(Note: Mayor Morrison left the meeting at 8:58 p.m.)

There were no minutes taken, and the session was not audio-recorded. The Board came out of closed session at 9:09 p.m. and reconvened in open session at 9:10 p.m.

There was no other reportable action during closed session.

21. Adjournment

With no further business before the Board, Chair Martinez adjourned the meeting at 9:10 p.m.

Hector Martinez, Chair

Attest:

Ligia Hoffman, Board Secretary

