

Attachment A



**Special Meeting of the Metro Commission
and Metro Wastewater JPA**

**9192 Topaz Way (MOC II) Auditorium
San Diego, California**

January 10, 2013

DRAFT Minutes

Chairman Ewin called the meeting to order at 12:00 p.m. A quorum of the Metro Wastewater JPA and Metro Commission was declared, and the following representatives were present:

1. ROLL CALL

<u>Agencies</u>	<u>Representatives</u>		<u>Alternate</u>
City of Chula Vista	Cheryl Cox	X	Scott Tulloch
City of Coronado	Barbara Denny	X	Ed Walton
City of Del Mar	Sherryl Parks	X	Eric Minicilli
City of El Cajon	Bill Wells		Dennis Davies
City of Imperial Beach	Ed Spriggs	X	
City of La Mesa	Ernie Ewin	X	
Lemon Grove Sanitation District	Jerry Jones	X	
City of National City	Louis Natividad	X	
City of Poway	John Mullin	X	Leah Browder
City of San Diego	Jerry Sanders		Roger Bailey
County of San Diego	Dianne Jacob		Daniel Brogadir
Otay Water District	Jose Lopez	X	David Gonzalez
Padre Dam MWD	Jim Peasley	X	Augie Scalzetti
Metro TAC Chair	Greg Humora	X	
IROC Chair	Gayle Welch		

Others present: Metro JPA General Counsel Paula de Sousa; Metro JPA Secretary Lori Anne Peoples; Karyn Keese – Atkins Global; Robert Yano – City of Chula Vista; Joe Smith – City of National City; Bob Kennedy – Otay Water District; Al Lau – Padre Dam Municipal Water District; Lee Ann Jones-Santos, Cheryl Lester, Peggy Merino, Edgar Patino, Ann Sasaki, Guann Huang and Pete Wong - City of San Diego Public Utilities; Tom Zeleny – City Attorney City of San Diego

2. PLEDGE OF ALLEGIANCE TO THE FLAG

Commissioner Denny led the Pledge.

Chairman Ewin welcomed new representatives for Coronado – Councilmember Barbara Denny; Del Mar – Councilmember Sherryl Parks and Poway – Councilmember John Mullin. .

3. PUBLIC COMMENT

None.

**4. ACTION - CONSIDERATION AND POSSIBLE ACTION TO APPROVE THE MINUTES OF THE
REGULAR MEETING OF NOVEMBER 1, 2012**

ACTION: Upon motion by Vice-Chair Jones, seconded by Commissioner Peasley, the November 1, 2012 the Minutes were approved unanimously.

5. **ACTION - CONSIDERATION AND POSSIBLE ACTION TO APPROVE AS-NEEDED CONSULTANT SERVICES FOR WASTEWATER FACILITIES CONDITION ASSESSMENT 2012-3015 (Pete Wong)**

Pete Wong, P.E. City of San Diego, provided a brief overview of the report. MetroTAC Chair Humora stated that a representative of MetroTAC had participated in the selection committee and this item had been brought before the TAC in November and recommended approval.

ACTION: Upon motion by Vice-Chair Jones, seconded by Commissioner Peasley, the item was approved unanimously.

6. **ACTION - CONSIDERATION AND POSSIBLE ACTION TO APPROVE PURCHASE OF FERROUS CHLORIDE AND HYDROGEN PEROXIDE SUPPLIES AND SERVICES FOR PEROXIDE REGENERATED IRON-SULFIDE CONTROL (PRI-SC/PRI-CEPT) (Pam Galan)**

Cheryl Lester, Deputy Director of Wastewater Treatment/Disposal Division, City of San Diego, provided a brief overview of the report. MetroTAC Chair Humora stated that TAC had considered this item at its November meeting and recommended approval. He also pointed out that a second attachment that was provided by the City of San Diego titled "Public Utilities Department, Wastewater Treatment and Disposal Division Summary Table" is a list of the number of contracts that the Division has procured over the last 5 or so years. The TAC and JPA see a few of these a year and it can become confusing, particularly when it comes to chemical contracts and the nomenclature involved and he thanked the City of San Diego for putting together this table for them which provides a list of what they have been approving.

ACTION: Upon motion by Vice-Chair Jones, seconded by Commissioner Peasley, the item was approved unanimously.

7. **ACTION - CONSIDERATION AND POSSIBLE ACTION TO APPROVE ELECTION OF OFFICERS (effective midnight, January 10, 2013)**

Chair Ewin introduced the item and announced that his new City representative (La Mesa) would be Mayor Art Madrid and that there were 3 positions that will be considered today. He then asked General Counsel de Sousa to provide support and direction on the item.

General Counsel de Sousa stated that positions were those of Chair, Vice-Chair and Secretary. The Chair and Vice-Chair positions required filling by members of the JPA, however the Secretary did not. Currently the Chair is Chair Ewin, Vice-Chair is Jerry Jones and Secretary is Lori Peoples. The terms are 2-Year terms.

General Counsel then requested nominations for the positions.

ACTION: Motion by Chair Ewin, seconded by Vice-Chair Jones, for Mayor Cheryl Cox to be Chair. Motion carried unanimously.

Motion by Chair Ewin, seconded by Commissioner Peasley, for Vice-Chair Jones to continue as Vice-Chair. Motion carried unanimously.

Motion by Chair Ewin, seconded by Commissioner Natividad, for Secretary Peoples to continue as Secretary. Motion carried unanimously.

8. **ACTION – JPA COMMITTEE AND OTHER JPA APPOINTMENTS**

A. Review of JPA Finance Committee Membership (5 members)

B. Review of other JPA Appointments

I. IROC Primary and Alternate Members

II. IRWMP Regional Advisory Committee Primary and Alternate Members

C. APPOINTMENT BY CHAIR OF MEMBERS TO THE JPA FINANCE COMMITTEE AND OTHER JPA APPOINTMENTS

Chair Ewin stated he recalled that the Finance Committee was one of the first areas he participated in when he first came on this board back in 2006 because San Diego's finances, which have been turned around, were at that time a big issue and there were a lot of issues

relative as to whether the JPA should start bonding themselves. He found serving on this committee to be a great experience.

Other items that he will be appointing as Chair, some of which have already been acted upon and will be affirmations, have to do with the IROC primary and alternate members. We have been able to start attending and follow-up with additional minute's reports, and the other is the Regional Advisory Committee primary and alternate members. We have taken action on this so it will be a reaffirmation.

ACTION: Chair Ewin appointed the following:

JPA Finance Committee: Jim Peasley, Luis Natividad, Ed Spriggs, Barbara Denny and John Mullin.

Motion by Commissioner Cox, seconded by Vice-Chair Jones to approve the appointments. Motion carried unanimously.

IROC: Primary: Luis Natividad **Alternate:** Jim Peasley

Motion by Vice-Chair Jones, seconded by Commissioner Lopez to reaffirm the appointments. Motion carried unanimously.

Chair Ewin updated and reaffirmed appointments to the Regional Advisory Committee as follows:

IRWMP: Primary: Bob Kennedy **Alternate:** Greg Humora

9. INFORMATION – FINAL CLOSEOUT OF 2009 EXHIBIT E AUDIT (Karyn Keese)

Ms. Keese, Atkins Global, informed the Commission that there were a couple of issues surrounding the final closeout as the auditors have found a couple of mistakes. Additionally, the item needs to go before MetroTAC at their meeting next week prior to coming to the JPA. A deferral of one month was requested.

Chair Ewin, hearing no objections, continued the item for another month.

10. METRO TAC UPDATE/REPORT

MetroTAC Chair Humora explained for the benefit of the new members, that the TAC (Technical Advisory Committee) meets monthly on technical issues and other issues that the City of San Diego is working on that effect the participating agencies (PA's) prior to bringing them to the JPA for consideration and approval. The TAC is made up of the PA's staff and they get into the nuts and bolts, try to ask the important questions and ask questions they anticipate the JPA will ask. They prepare and provide at each JPA meeting, a Work plan that is updated monthly with the updates reflected in red; they add and remove items from the Work plan as necessary and as things come up and they serve at the pleasure of the JPA.

He then provided updates that the November TAC meeting noting that they are tracking the ever evolving SDG&E rate case with the assistance of our General Counsel at BBK regarding their attempt to impose significant rate changes on solar customers and of particular concern to the water agency members are the rates associated with water. BBK is doing a great job keeping on top of this and tracking the proceedings in Sacramento and keeping staff and TAC updated. There seems to be progress in a good direction. Another update he provided was with regards to the prior presentation by San Diego City staff on the CIP and the Cities webpage. He encouraged everyone to look at it if they had not and he requested minor adjustments be made to show the JPA as a revenue source as they pay 1/3 of the Metro bill and they have agreed to do so.

11. IROC UPDATE

IROC Chair Gail Welch was not present and Commissioner Natividad did not have an update to provide.

12. FINANCE COMMITTEE

Ms. Keese, Financial/Engineering Consultant with Atkins Global, introduced herself and welcomed the new members. She stated that the Finance Committee would not be holding a meeting in January, but has been guaranteed that the 2010 Exhibit E Audit will be completed by the end of January and so the committee should be able to meet in February. She also noted that the auditors were on site and were working on the 2011 Exhibit E Audit which is moving along. The revisions to the 2009 Final Close-Out should be ready for the MetroTAC meeting next week and then be brought back to the JPA in February.

13. REPORT OF GENERAL COUNSEL

General Counsel de Sousa introduced herself. She then reported on an item that might be of interest to the PA's. The US Supreme Court on Tuesday ruled on a case. Los Angeles Flood Control District vs. the NRDC, that the flow of water from an improved portion of a navigable waterway to an unimproved portion of the same waterway does not qualify as a discharge of pollutants under the Clean Water Act. This was a big decision because in making this finding, the Court reversed a 9th Court Appeals decision that held that the Flood Control District was liable for elevated pollutant levels measured at different stations simply because the District operates and maintains that Flood Control facility and monitoring station. BBK submitted an Amicus Brief on behalf of several national associations and argued that the 9th Circuit erred in its decision because there was no identifiable point of discharge. Basically, it held that just because water has some problem with it going down a navigable water way it does not mean that it is the public agencies fault General Counsel de Sousa encouraged the PA's to follow up on this decision.

14. PROPOSED AGENDA ITEMS FOR THE NEXT METRO COMMISSION/METRO WASTEWATER JPA MEETING FEBRUARY 7, 2013

Chair Ewin asked the Commissioners if they had any items they would like to see at the next meeting noting that most items come forward from MetroTAC work, however if any members have something of interest that the JPA deals with as part of their responsibility they should bring it forward to the Chair for placement on the agenda.

15. METRO COMMISSIONERS' AND JPA BOARD MEMBERS' COMMENTS

Commissioner Cox stated she looked forward to chairing the meeting in February and was sorry to see Chair Ewin leaving. Commissioner Denny stated she was also sorry to see Chair Ewin leave, but was looking forward to working with Mayor Cox, serving on the JPA Finance Committee and working with everyone else. Commissioner Denny stated she was excited to serve and learn more about the JPA, noting that her son deals with the bonds on the wastewater side so he has assisted her in understanding. Commissioner Spriggs stated he was excited to be serving another term and was sorry to see Chair Ewin go. Commissioner Natividad inquired and Ms. Keese responded as to why the Final Close-Out audit had been continued. Commissioner Mullin expressed his gratitude for being appointed. Commissioner Lopez requested a tour of the Pt. Loma Wastewater Treatment Plant be set up. City of San Diego Director of Public Utilities stated he would have his staff coordinate with Metro JPA Secretary Peoples to arrange for a tour. Chair Ewin also requested an update for the JPA relative to the issues surrounding Pt. Loma and any timelines that they should be aware of. Mr. Bailey stated that in terms of the strategy for Pt. Loma moving forward, they certainly will work closely with the JPA on the cities perspective. They have quite a bit of work to do internally and have not yet worked with the new Mayor. Chair Ewin stated he was thinking of perhaps bring up to speed a summary of what the results of the last waiver were and what that meant and any conditions presented. Mr. Bailey stated that internally a group was recently put together to address the issue of the next waiver and would be happy to brief the JPA. Commissioner Peasley stated he was sorry to see Chair Ewin go and noted it was a pleasure working with him on the JPA and his knowledge and experience on the Commission will be greatly missed, he wished him well and everyone a Happy New Year. Vice-

Chair Jones thanked Chair Ewin for doing a great job and welcomed the new members. General Counsel de Sousa stated that Lori would be putting together binders for all the new members and a briefing/presentation will be scheduled. City of San Diego Public Utilities Director Bailey welcomed the new members and stated that the City of San Diego looked forward to working closely with them and valued the partnership. Chair Ewin thanked everyone for their participation and support on the JPA. He appreciated the courtesies as well as the mutual respect and the fact that the JPA does not stay parochial; they really look at all issues and provide research.

16. ADJOURNMENT

At 12:35 p.m., there being no further business, Chairman Ewin declared the meeting adjourned.

Secretary