



**Regular Meeting of the
Metro Wastewater JPA/Metro Commission**

AGENDA

Thursday, February 2, 2023 - 12:00 p.m.

"The Metro JPA's mission is to create an equitable partnership with the San Diego City Council and Mayor on regional wastewater issues. Through stakeholder collaboration, open dialogue, and data analysis, the partnership seeks to ensure fair rates for participating agencies, concern for the environment, and regionally balanced decisions."

IN LIGHT OF THE PROCLAIMED STATE OF EMERGENCY RELATED TO THE COVID-19 PANDEMIC, AND PURSUANT TO GOVERNMENT CODE SECTION 54953(e)(1), THIS METRO WASTEWATER JPA/METRO COMMISSION MEETING WILL BE CONDUCTED REMOTELY AND THERE WILL BE NO PHYSICAL LOCATION FOR IN-PERSON ATTENDANCE. THIS MEETING SHALL ONLY BE ACCESSIBLE TO MEMBERS OF THE PUBLIC TELEPHONICALLY OR VIA ZOOM. ALL MEMBERS OF THE PUBLIC WISHING TO OBSERVE THIS PUBLIC MEETING MUST DIAL IN TO THE TELEPHONE NUMBER INDICATED BELOW OR JOIN THE MEETING BY COMPUTER USING THE LINK BELOW, AND WHEN PROMPTED, USE THE MEETING ID IDENTIFIED BELOW. FURTHER DETAILS ARE BELOW.

Note: Any member of the public may provide comments to the Metro Wastewater JPA/Metro Commission on any agenda item or on a matter not appearing on the agenda, but within the jurisdiction of the Board. Public comments must be submitted in either of the following manners:

1. **Providing Oral Comments During Meeting.** To provide comments in real time during the meeting, join the Zoom meeting by computer, mobile phone, or dial-in number. On Zoom video conference by computer or mobile phone, use the "Raise Hand" feature. This will notify the Secretary that you wish to speak during a specific item on the agenda or during non-agenda Public Comment. If joining the meeting using the Zoom dial-in number, you can raise your hand by pressing *9. Comments will be limited to three (3) minutes
2. **Written Comments.** In order to provide written public comments, your comments must be submitted prior to the start of the meeting to peoples@chulavistaca.gov. Please indicate whether your comment is on a specific agenda item or a non-agenda item. Comments are limited to four hundred (400) words. Please submit written comments at least two (2) hours before the start of the meeting. All comments received by such time will be provided to the Board members in writing. At the discretion of the Chair, the first five (5) comments received on each agenda item, or on non-agenda matters, may be read into the record at the meeting. Comments received less than two (2) hours prior to the start of the meeting will be collected, sent to the Metro Wastewater JPA/Metro Commission Board members in writing, and made part of the public record.

When providing comments to the Metro Wastewater JPA/Metro Commission please provide your name and city of residence for the record. If you have a written record that you wish to distribute to the JPA/Commission, please provide it to the Secretary via peoples@chulavistaca.gov, who will distribute the record to the members. With limited exceptions, all records distributed to the JPA/Commission Board or any Committee of the Board becomes public records upon distribution.

The public may participate using the following remote options

Join Zoom Meeting

<https://us02web.zoom.us/j/84970111178>

Meeting ID: 849 7011 1178

One tap mobile

+16694449171,,84970111178# US

Dial by your location

+1 669 444 9171 US

Documentation

Included

1. **ROLL CALL**
2. **PLEDGE OF ALLEGIANCE TO THE FLAG**
3. **PUBLIC COMMENT**
Persons speaking during Public Comment may address the Metro Wastewater JPA/Metro Commission on any subject matter within the jurisdiction of the Metro Wastewater JPA/Metro Commission that is not listed as an agenda item. Comments are limited to three (3) minutes.
4. **ACTION**: APPROVAL OF AGENDA (Chair Jones)
- X 5. **ACTION**: CONSIDERATION AND POSSIBLE ACTION TO MAKE FINDINGS TO CONTINUE HOLDING REMOTE/TELECONFERENCE MEETINGS PURSUANT TO ASSEMBLY BILL 361 (Adriana Ochoa – General Counsel) (**Attachments**)
- X 6. **ACTION**: CONSIDERATION AND POSSIBLE ACTION TO APPROVE THE MINUTES OF THE REGULAR MEETING OF [December 1, 2022](#) (**Attachment**)
7. **PRESENTATION**: WELCOME TO JPA REPRESENTATIVES AND INTRODUCTION OF METRO JPA/METRO COMMISSION SUPPORT STAFF (Chair Jones/TAC Chair Gentry)
8. **ACTION**: CONSIDERATION AND POSSIBLE ACTION TO APPROVE ELECTION OF OFFICER (VICE-CHAIR) (Adriana Ochoa – General Counsel)
 - A. Pursuant to Article III of the Joint Powers Agreement, the Board must elect a Vice Chair from among the Board Directors
 - B. Board Directors may nominate and vote on a Vice Chair
- X 9. **PRESENTATION**: METRO BACKGROUND (Karyn Keze) (**Attachment**)
10. **ACTION**: CONSIDERATION AND POSSIBLE ACTION TO APPOINT METRO JPA FINANCE COMMITTEE MEMBERS (Chair Jones)
 - A. Review of JPA Finance Committee Membership (5 Members plus Alternate)
 - B. Appointment by Chair of 2 Members and an Alternate for consideration and approval by Board

11. **ACTION:** CONSIDERATION AND POSSIBLE ACTION TO APPOINT “METRO JPA PURE WATER AD HOC COMMITTEE” MEMBERS (Chair Jones)
- A. Recommendation by JPA Chair of 3 Members for consideration and approval by Board of Appointment of 3 Ad Hoc Members**
12. **ACTION:** CONSIDERATION AND POSSIBLE APPROVAL OF APPOINTMENT OF IROC MEMBER (Chair Jones)
- X 13. **UPDATE:** METRO TAC UPDATE/REPORT (Standing Item) (Beth Gentry) (**Attachment**)
14. **REPORT:** GENERAL COUNSEL (Standing Item) (Adriana Ochoa)
15. PROPOSED AGENDA ITEMS FOR THE NEXT METRO JPA/METRO COMMISSION MEETING
March 2, 2023
16. METRO DIRECTORS AND COMMISSIONERS’ COMMENTS
17. **CLOSED SESSION:**
CONFERENCE WITH LEGAL COUNSEL – POTENTIAL LITIGATION
Government Code 54956.9(d) (2)
One (1) potential case.
18. **CLOSED SESSION:**
CONFERENCE WITH LEGAL COUNSEL – POTENTIAL LITIGATION
Consideration regarding initiation of litigation pursuant to Government Code 54959.9(d) (4)
One (1) potential case
19. **ADJOURNMENT** OF THE METRO WASTEWATER JPA/METRO COMMISSION

The Metro Wastewater JPA and/or Metro Commission may take action on any item listed in this Agenda whether or not it is listed “For Action.” *Materials provided to the Metro Wastewater JPA/Metro Commission related to any open-session item on this agenda are available for public review at our website:* <https://www.metrojpa.org>

In compliance with the AMERICANS WITH DISABILITIES ACT

Persons with disabilities that require modifications or accommodations, please *contact General Counsel Adriana Ochoa at adriana.ochoa@procopio.com* by no later than two hours prior to the meeting to request reasonable modifications or accommodations consistent with the Americans with Disabilities Act and Metro Wastewater JPA/Metro Commission shall promptly work with you to resolve the matter in favor of accessibility.

Metro JPA 2023 Meeting Schedule

January 5, 2023
April 6, 2023
July 6, 2023
October 5, 2023

February 2, 2023
May 4, 2023
August 3, 2023
November 2, 2023

March 2, 2023
June 1, 2023
September 7, 2023
December 7, 2023

ATTACHMENT 5

FINDINGS TO CONTINUE
HOLDING REMOTE/
TELECONFERENCE
MEETINGS PURUSANT
TO ASSEMBLY BILL 361



Metro Commission and Metro Wastewater JPA

STAFF REPORT

TO: Metro Commission and Metro Wastewater JPA

DATE: Thursday, February 2, 2023

FROM: Adriana Ochoa, General Counsel

AGENDA ITEM NO. 5: Consideration and Possible Action To Make Findings To Hold Remote/Teleconference Meetings Pursuant To Assembly Bill 361

BACKGROUND

Assembly Bill No. 361 ("AB 361") took effect on September 16, 2021. It amends the Brown Act to allow public agencies to utilize remote or virtual meetings through January 1, 2024 if any of the following circumstances are met:

- A. The legislative body holds a meeting during a proclaimed state of emergency, and state or local officials have imposed or recommended measures to promote social distancing.
- B. The legislative body holds a meeting during a proclaimed state of emergency for the purpose of determining, by majority vote, whether as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.
- C. The legislative body holds a meeting during a proclaimed state of emergency and has determined, by majority vote, that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

In accordance with AB 361, when a board wants to hold virtual meetings because a state of emergency continues, the board must make findings every 30 days that 1) the board has reconsidered the circumstances of the state of emergency and 2) the state of emergency continues to directly impact the ability of the members to meet safely in person or state or local officials continue to impose or recommend measures to promote social distancing.

On March 4, 2020, the Governor declared a state of emergency arising from the Covid-19 pandemic. California continues to remain in a proclaimed state of emergency relating to the Covid-19 pandemic. The State and San Diego County have phased out physical distancing mandates, and recommendations relating to social distancing are fairly limited as of the date of the preparation of this staff report.

Nonetheless, Covid-19 continues to threaten the community, particularly persons who are unvaccinated or that are in a high-risk category such as those who are over 65 years old, immune-compromised, or have underlying health conditions. The Omicron variant, designated a

“very high” risk by the World Health Organization, is currently the prevalent strain in San Diego County. The BA.2 and other omicron subvariants are also present in San Diego County. The County of San Diego Health and Human Services Agency’s Epidemiology and Immunization Services Branch prepares a Weekly Coronavirus Disease 2019 (COVID-19) Surveillance Report, which includes a Summary of Cases, Deaths, and Outbreaks by Date Reported for San Diego County, which can be found at https://www.sandiegocounty.gov/content/sdc/hhsa/programs/phs/community_epidemiology/dc/2019-nCoV/status.html. The Board is encouraged to review the current and local data and evaluate whether the pandemic continues to directly impact the ability of the Finance Committee to meet safely.

In light of the ongoing emergency and in order to continue holding virtual board, special and committee meetings over the next 30 days, the Metro Wastewater JPA Board of Directors must make the required findings set forth below, and must continue making these findings every 30 days thereafter.

RECOMMENDED ACTION

Legal counsel respectfully recommends the Board of Directors discuss and evaluate the information provided in this staff report and, if appropriate, approve the following findings and actions:

1. The Board hereby FINDS AND DECLARES that it has considered the circumstances of the proclaimed state of emergency declared by the Governor on March 4, 2020 relating to the Covid-19 pandemic and has determined, based on the information provided in this staff report, that the state of emergency continues to directly impact the ability of the members to meet safely in person.
2. Based in the information provided in this staff report and pursuant to the information and discussion presented at the December 1, 2022 Board meeting, the Board hereby FINDS AND DECLARES that as a result of the Covid-19 pandemic, meeting in person presents imminent risks to the health or safety of attendees.
3. The Board hereby makes these findings and approves for the upcoming 30-day period, February 2, 2023 through the earlier of either March 4, 2023 or the termination of the proclaimed state of emergency, regular and special meetings of the Metro Wastewater JPA Board and its Standing Committees will continue to be virtual meetings held in accordance with AB 361’s Public Notice and Public Participation requirements.
4. Staff is hereby directed, if the proclaimed state of emergency remains, to notice the upcoming board and committee meetings as virtual meetings and to place AB 361 findings on the agenda for consideration at the next meeting(s) so that the Board can at that point in time make a determination regarding whether the state of emergency continues to directly impact the ability of the members to meet safely in person.
5. Discuss or take other action as appropriate.

ATTACHMENT 6

MINUTES FROM MEETING OF DECEMBER 1, 2022



Regular Meeting of the Metro Wastewater JPA

and Metro Commission

**Coronado Club Room & Boathouse
1845 Strand Way, Coronado CA**

December 1, 2022

Minutes

Chairman Jones called the meeting to order at 12:25 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	Jill Galvez	
City of Coronado	Marvin Heinze	
City of Del Mar	Dwight Worden (absent)	
City of El Cajon	Gary Kendrick	
City of Imperial Beach	Ed Spriggs	
City of La Mesa	Bill Baber	
Lemon Grove San District	Jerry Jones	
City of National City	Jose Rodriguez (absent)	
City of Poway	John Mullin	
Otay Water District	Mark Robak (absent)	
Padre Dam MWD	Karen Jassoy	
County of San Diego	Joel Anderson (absent)	
Metro TAC Chair	Beth Gentry	

Others present: Metro JPA General Counsel Adriana Ochoa - Procopio; Metro Commission/Metro Wastewater JPA Secretary Lori Anne Peoples; Beth Gentry and Tommy Lawton – City of Chula Vista; No Leon Firsht – City of Coronado; Yazmin Arellano - City of El Cajon; Eric Minicilli – City of Imperial Beach; Hamed Hashemian – City of La Mesa; None – Lemon Grove Sanitation District; Roberto Yano – City of National City; Michael Long – Otay Water District; Paul Clarke – Padre Dam Municipal Water District; Alisa Nichols – City of Poway; Peejay Tubongbanua - County of San Diego; City of San Diego Staff: Tom Rosales, Lisa Celaya, Adam Jones; Metro JPA Staff: Lee Ann Jones-Santos – JPA Treasurer; Scott Tulloch – NV5; Karyn Keze – The Keze Group, LLC.; Dexter Wilson - Dexter Wilson Engineering

2. PLEDGE OF ALLEGIANCE TO THE FLAG

Bill Baber, City of La Mesa led the pledge.

3. PUBLIC COMMENT

None

4. ACTION: APPROVAL OF AGENDA

ACTION: Motion by Director Jassoy, seconded by Director Mullin to approve the agenda as submitted. Motion carried as follows:

AYES: Galvez, Heinze, Kendrick, Spriggs, Baber, Jones, Jassoy, Mullin

NAYS: None

ABSTAIN: None

ABSENT: Worden, Rodriguez, Robak, Anderson

5. ACTION: CONSIDERATION AND POSSIBLE ACTION TO APPROVE THE MINUTES OF THE REGULAR MEETING OF October 6, 2022

ACTION: Motion Director Mullin, seconded by Director Heinze, the minutes be approved. Motion carried as follows:

AYES: Galvez, Heinze, Kendrick, Spriggs, Baber, Jones, Jassoy, Mullin

NAYS: None

ABSTAIN: None

ABSENT: Worden, Rodriguez, Robak, Anderson

6. ACTION: CONSIDERATION AND POSSIBLE ACTION TO APPROVE THE MEETING CALENDAR FOR 2023

ACTION: Motion Director Galvez, seconded by Director Spriggs, the 2023 meeting calendar be approved. Motion carried as follows:

AYES: Galvez, Heinze, Kendrick, Spriggs, Baber, Jones, Jassoy, Mullin

NAYS: None

ABSTAIN: None

ABSENT: Worden, Rodriguez, Robak, Anderson

7. PRESENTATION: CHAIR JONES TO PRESENT A SMALL TOKEN OF APPRECIATION TO SEVERAL OF OUR WONDERFUL COMMISSIONERS (GALVEZ, HEINZE, BABER, SPRIGGS and MULLIN) WHO ARE LEAVING US TO GO ON TO BIGGER AND BETTER ADVENTURES

Chair Jones presented plaques of appreciation on behalf of himself and the Metro JPA Directors to the outgoing Directors individually. The Directors individually thanked the staff and their peers for their support and spoke of accomplishments during their terms served.

8. PRESENTATION: VICE CHAIR HEINZE TO MAKE PRESENTATION TO CHAIR JONES

Vice Chair Heinze presented a plaque of appreciation on behalf of the Metro JPA Directors to Chair Jones noting that he was the longest serving Director in the history of the JPA with 20 years.

9. UPDATE: FINANCE COMMITTEE

Finance Committee Chair Mullin provided a brief overview of items discussed at the Finance Committee meeting that would be coming forward once the new members were seated. The committee approved recommending to the Metro JPA/Commission to review JPA financial statements in February/March to see if budget adjustments are needed to consultants contracts due to increased work load required for the 2nd ARA

negotiations. Additionally they requested consideration of increasing the operating reserve amount during the next budget cycle.

10. ADJOURNMENT

There being no further business, Chair Jones declared the meeting adjourned at 12:50 p.m.

ATTACHMENT 9

METRO BACKGROUND



Proactively
Addressing Regional
Wastewater Issues for
the Public Benefit



Helpful Vocabulary

- Metropolitan Wastewater System (Metro System)
- Metro Wastewater JPA/Commission (Metro JPA)- That's us!
- Participating Agencies (PAs)
- Metro Technical Advisory Committee (Metro TAC)
- Metro JPA Finance Committee (Finance Committee)
 - Standing Committee of the JPA
 - 5 Directors plus one Alternate
- Metro JPA Pure Water AdHoc Committee (AdHoc)
 - Temporary Committee
 - 5 Directors

MISSION STATEMENT



The Metro JPA's mission is to create an equitable partnership with the San Diego City Council and Mayor on regional wastewater issues. Through stakeholder collaboration, open dialogue, and data analysis, the partnership seeks to ensure fair rates for participating agencies, concern for the environment, and regionally balanced decisions.

BACKGROUND

- Founded in 1998 as advisory committee
- 2001 JPA becomes a State-authorized legal entity
- Coalition of municipalities & special districts (12) sharing in City of San Diego's regional wastewater facilities
- Metro JPA is a partner with City of San Diego
- Provides voice for members in sewer system operation and to address regional wastewater issues
- Also addresses water conservation, recycling, repurification and ocean environment protection

BACKGROUND cont.

- Collectively pay approximately 35% of City of San Diego's wastewater system upkeep and capital costs.
- FYE 2023 Metro Budget: \$270 million
 - PAs FYE 2023 share \$94.6 million
- FYE 2023-FYE 2028 (6 Years) projections
 - Total PA share: **\$558,840,000**
 - Average per year PA share: \$93.14 million
- PAs rates currently based on percentage of wastewater flow and strengths generation.
 - Currently under review

FYE 2023 Metro O&M/CIP Budget Allocations:

AGENCY	Percent	FYE 2023
TOTAL O&M/CIP METRO BUDGET		\$269,985,749
CHULA VISTA	11.16%	\$30,132,812
CORONADO	0.95%	\$2,554,451
DEL MAR	0.01%	\$23,525
*EAST OTAY MESA	0.31%	\$844,480
EL CAJON	5.07%	\$13,679,538
IMPERIAL BEACH	1.28%	\$3,468,996
LA MESA	2.77%	\$7,469,281
*LAKESIDE/ALPINE	1.95%	\$5,261,185
LEMON GROVE	1.16%	\$3,136,940
NATIONAL CITY	2.94%	\$7,939,458
OTAY	0.19%	\$519,325
PADRE DAM	2.46%	\$6,635,505
POWAY	1.46%	\$3,933,502
*SPRING VALLEY	2.76%	\$7,455,120
*WINTERGARDENS	0.58%	\$1,572,843
SUBTOTAL PARTICIPATING AGENCIES	35.05%	\$94,626,961
SAN DIEGO	64.95%	\$175,358,788
TOTAL	100.00%	\$269,985,749
*TOTAL SD COUNTY SAN. DISTRICT	5.61%	\$ 15,133,628

Resources Available for Directors (and MetroTAC Members)

Welcome Email from Board Secretary:

- Directions to Website and New Director's Manual
- Director's Primary Contact is Board Secretary, Lori Anne Peoples
 - LPeoples@chulavistaca.gov
 - 619-548-2934
- Metro Staff available to meet with Directors

Metro Wastewater JPA Website:

- <https://www.metrojpa.org/>
- New Director's Manual
 - <https://www.metrojpa.org/about-us/-folder-100>
 - Resource for both TAC members and Directors
- Rest of Website currently under "reconstruction and update"

Two Month Orientation for New and Returning Directors

March 2: Point Loma (Noon)

- History: Pt. Loma & Importance of System
 - Treatment History
 - Waiver
 - OPRA 1 & 2
 - Cooperative Agreement
 - Secondary Equivalency
 - Pure Water Transition to Peak
 - Major Support Facilities
 - Pump Stations & Pipelines
 - Tour of Pt. Loma

April 6: North City Water Reclamation Plant & Pure Water Demonstration Facilities (Noon)

- History of Reclamation Plants: Transition from Recycled Water to Pure Water
 - Overview of Pure Water Program (PWP)
 - Video
 - ARA (current and 2nd)
 - Alternative Billing Methodologies
 - PWP Expenses & Revenues
 - Tour: North City & Pure Water Facilities



QUESTIONS?



ATTACHMENT 13

METRO TAC UPDATE/ REPORT



Metro TAC & JPA Work Plan
Active & Pending Items
December 2022 (Year-End)
Updated Items in Red Italics

Active Items	Description	Member(s)
<i>Metro JPA Pure Water AdHoc (2nd ARA)</i>	<i>JPA Board work group. Formed to review all items being negotiated in the 2nd ARA prior to going to the full Board. Meets every 2-3 weeks as needed. First meeting March 16, 2022. Has continued to meet until year-end.</i>	<i>Jerry Jones Marvin Heinze Gary Kendrick Ed Spriggs JPA Support staff</i>
IRWMP	JPA Members should monitor funding opportunities at: http://www.sdirwmp.org 1/21: Beth Gentry continues to give monthly TAC updates. Details can be found in minutes of each TAC meeting.	Beth Gentry Yazmin Arellano
Exhibit E Audit	1/21: FY2019 Exhibit E audit is in fieldwork stage. JPA team reviewing SD responses to sample questions. 4/11/2022: FY2019 scheduled to complete April/May 2022; FY 2020 audit final field work completed. Owner controlled insurance program (OCIP) detail discussion. 6/13/22: FY 2021 Entrance Conference 7/14/22: FY2019 Audit received 8/22: FY2019 audit approved and reconciliation complete. OCIP meeting held.	Lee Ann Jones-Santos Karyn Keese Dexter Wilson
Industrial Wastewater Control Committee	Formed to work with San Diego on new standards for industrial waste discharge and cost allocation of same. 1/2021: SD is trying to formalize a pretreatment rate case and has hired a consultant. Monthly updates are presented at TAC and JPA. 3/16/2022: Monthly meetings to discuss the pretreatment agreement and considerations for the 2nd ARA, reviews of local limits, and the industrial user permit fees and program	Beth Gentry Interested JPA members Dexter Wilson SD Staff & Consultants
Emergency Mutual Aid Committee	Formed with the intent the sharing of resources during an emergency. First draft was completed and the next draft will be circulated for interested agencies. 12/22: Monthly updates given by Peejay Tuongbanua at Metro TAC meetings.	Peejay Tuongbanua Steve Beppler, Yazmin Arellano, Mike James Hamed Hashemian
Phase I Financial Implementation Working Group (FIG)	This working group was formed to continue to work on Section 2.9.1 and other financial implementations issues in Exhibit F associated with the Amended Restated Agreement. 1/2021: Group will start meeting once the ARA is fully signed (January 2021) on a regular basis with a goal to complete all tasks by 1/2022. 3/16/2022: Group continues to meet every two weeks.	Karyn Keze Dexter Wilson SD staff & consultants
2 nd ARA Negotiating Team	This group was created to negotiate the 2 nd Amended Restated Agreement (2nd ARA) which will incorporate the completed financial and other items from the first ARA. 3/16/2022: Negotiating Team meets every 3 weeks to follow through with topics raised during the First ARA.	Dexter Wilson Beth Gentry Yazmin Arellano Karyn Keze Scott Tulloch SD staff & consultants
Changes in wastewater/water legislation	NOTE: Procopio, Metro TAC and the Commission/JPA should monitor and report on proposed and new legislation or changes in existing legislation that impact wastewater conveyance, treatment, and disposal, including recycled water issues. 12/22: 2023 Update received.	Procopio JPA members as appropriate

Sewer Rate Comparison: Metro Participating Agencies
Single Family Monthly Rates Based on 7 HCF Water Usage
Effective January 1, 2023 for FY 2023

