



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

AGENDA

**Thursday, FEBRUARY 5, 2009
12:00 p.m.**

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

"The mission of the Metro Commission is to create an equitable partnership with the San Diego City Council on wastewater issues in the San Diego region that ensures fair rates for participating agencies, concern for the environment, and regionally balanced decisions through data analysis, collaboration among all stakeholders, and open dialogue."

Note: Any member of the Public may address the Metro Commission/Metro Wastewater JPA on any Agenda Item. Please complete a Speaker Slip and submit it to the Administrative Assistant or Chairperson prior to the start of the meeting if possible, or in advance of the specific item being called. Comments are limited to three (3) minutes per individual.

Documentation
Included

1. ROLL CALL
2. PUBLIC COMMENT
Persons speaking during Public Comment may address the Metro Commission/ Metro Wastewater JPA on any subject matter within the jurisdiction of the Metro Commission and/or Metro Wastewater JPA that is not listed as an agenda item. Comments are limited to three (3) minutes. Please complete a Speaker Slip and submit it prior to the start of the meeting.
- X 3. **ACTION** - APPROVE MINUTES OF JANUARY 8, 2009
4. METRO TAC UPDATE
5. UPDATE ON EPA SECONDARY TREATMENT WAIVER (Alan Langworthy)
- X 6. **ACTION** – CONSIDERATION AND APPROVAL OF 6 MONTH FINANCIAL STATEMENT COVERING THE PERIOD OF JULY 1, 2008 THROUGH DECEMBER 31, 2008 (Doug Wilson)

Documentation
Included

- X
7. REVIEW OF EXISTING AD HOC COMMITTEES; APPOINTMENT BY CHAIR OF NEW WAIVER AD HOC COMMITTEE; CONSIDERATION OF APPOINTMENT OF STRATEGIC PLANNING AD HOC COMMITTEE
 8. DISCUSSION REGARDING CONTINUED ADMINISTRATIVE SUPPORT SERVICES
 9. DISCUSSION REGARDING SCHEDULING OF NEW MEMBER/ALTERNATE ORIENTATION AND METRO FACILITIES TOUR
 10. REVIEW OF GOALS AND OBJECTIVES (STRATEGIC PLAN)
 11. IROC UPDATE
 12. COMMUNICATION AD HOC COMMITTEE
 13. FINANCE AD HOC COMMITTEE
 14. PROPOSED AGENDA ITEMS FOR THE NEXT METRO COMMISSION/ METRO WASTEWATER JPA MEETING (MARCH 5, 2009 at MOC II) - Please note that the quarterly meetings at SANDAG have been canceled and will not be scheduled unless there is a matter of importance to be discussed with Mayor Sanders.
 15. METRO COMMISSIONERS' AND JPA BOARD MEMBERS' COMMENTS
 16. ADJOURNMENT OF METRO COMMISSION AND METRO WASTEWATER JPA

The Metro Commission and/or Metro Wastewater JPA may take action on any item listed in this Agenda whether or not it is listed "For Action."

Materials provided to the Commission and/or Metro Wastewater JPA related to any open-session item on this agenda are available for public review by contacting L. Peoples at (619) 476-2557 during normal business hours.

***In compliance with the
AMERICANS WITH DISABILITIES ACT***

The Metro Commission/Metro Wastewater JPA requests individuals who require alternative agenda format or special accommodations to access, attend, and/or participate in the Metro Commission/Metro Wastewater JPA meetings, contact M. Barrett at (619) 236-6585, at least forty-eight hours in advance of the meetings.

Agenda Item 3



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

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

**January 8, 2009
DRAFT Minutes**

Interim 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	Al Ovrom	X	
City of Del Mar	Donald Mosier	X	
City of El Cajon	Mark Lewis	X	
City of Imperial Beach	Patricia McCoy	X	Jim Janney
City of La Mesa	Ernie Ewin	X	
Lemon Grove Sanitation District	Jerry Jones		Patrick Lund
City of National City	Luis Natividad		(No representation)
City of Poway	Betty Rexford	X	Kevin Haupt/Tom Howard
City of San Diego	Jerry Sanders	X	Bob Ferrier
County of San Diego	Dianne Jacob		Daniel Brogadir
Otay Water District	Mark Robak	X	
Padre Dam MWD	Augie Caires	X	Augie Scalzitti
Metro TAC Chair	Scott Huth	X	
IROC	Don Billings		(No representation)

2. PUBLIC COMMENT

There was no public comment.

3. ACTION: APPROVE MINUTES FROM THE MEETING OF NOVEMBER 6, 2008

Upon motion by Commissioner Lewis seconded by Commissioner Caires, with Commissioners Mosier and Rexford abstaining and the City of National City absent, the Board approved the minutes.

4. ACTION – CONSIDERATION AND POSSIBLE ACTION TO APPROVE ELECTION OF OFFICERS:

- A. Nominations
- B. Election

General Counsel Paula de Sousa provided a brief overview of 3 elected positions pursuant to the JPA Agreement. The Chair and Vice Chair are required to be filled by a member of the JPA Board of Directors. The Board Secretary need not be one of the JPA Board members. All three serve a two year term or until such officer resigns from the office in accordance with the provisions.

ACTION: Interim Chairman Ewin opened the nomination for Chairman

Commissioner Caires nominated Commissioner Robak.

Hearing no other nominations, Interim Chairman Ewin closed the nomination.

Upon motion by Commissioner Caires, seconded by Commissioner Lewis, with the City of National City absent, the Commissioners approved the election of Commissioner Robak as Chairman.

Commissioner Ewin opened the nomination for Vice Chair.

Commissioner Cox nominated Commissioner Ewin.

Hearing no other nominations, Commissioner Ewin closed the nomination.

Upon motion by Chairman Cox, seconded by Commissioner Robak, with the City of National City absent, and Commissioner Ewin abstaining, the Commissioners unanimously approved the election of Commissioner Ewin as Vice Chair.

Chairman Robak requested Vice Chairman Ewin continue to Chair the remainder of the meeting.

Vice Chairman Ewin opened the nomination for Secretary and asked Mr. Sherer, Public Works Director of Del Mar, if he was willing to continue in the capacity to which Mr. Sherer replied in the affirmative.

Hearing no other nominations, Vice Chairman Ewin closed the nomination.

Upon motion by Commissioner Caires, seconded by Commissioner Mosier, with the City of National City absent, the Commissioners unanimously approved the re-election of Mr. David Scherer, Public Works Director for the City of Del Mar, as Secretary

5. METRO TAC UPDATE

Metro TAC Chairman Scott Huth reported that the December meeting had been canceled due to the holiday and did not have any new business to report on other than a request had been sent to the member agencies for a letter of support of the Waiver to be placed in the EPA agenda packet. It was now too late for the letters to go in the packet, however they could still be submitted for the public record and he encouraged those who had not responded to submit their agencies letter as soon as possible.

6. UPDATE ON EPA SECONDARY TREATMENT WAIVER (Alan Langworthy)

Mr. Langworthy provided a brief update on the EPA's tentative approval of the Secondary Treatment Waiver noting that the public hearing had been continued to 9:00 a.m. on Tuesday January 21, 2009 and was being combined with the EPA and Local Regional Quality Control Board public hearings. Additionally, he stated that the public comment period had been extended to January 28, 2009 so letters could still be submitted as well as public comments made at the January 21, 2009 meeting.

Commissioner Caires requested City Attorney Zeleny speak to the letter submitted to the San Diego City Council by the Surfrider Foundation and San Diego Coastkeeper groups. Attorney Zeleny stated that the letters, in general terms, said they were offering not to oppose the waiver for secondary treatment for this cycle, if the City would agree to conduct a study not to exceed \$2 million to look at the possibility of off loading Point Loma through additional water reclamation. The City is continuing its review of the letter, considering the option presented, and having discussions with Coastkeeper and Surfrider.

Commissioner McCoy inquired and Mr. Langworthy confirmed that this waiver was for 5-years, and that there were approximately 25-30 coastal cities that currently had waivers.

Commissioner Caires stated that it had been the policy of the JPA to participate to the extent possible in the negotiations involving the environmental groups, so if not at the table, it would be the JPA's desire to be briefed and it would be his hope that an Ad Hoc Committee would be appointed by the new Chair to meet with City representatives to get an update, still retaining confidentially of the negotiation process as an interested party as secondary treatment would have a cost to the member agencies.

General Counsel de Sousa clarified for the JPA that there had been a Waiver Ad Hoc Committee in the past, but it had been disbanded in the latter part of last year pending hearing back from the EPA. The new Chair could certainly appoint a new Ad Hoc Committee at any time.

Mr. Langworthy stated he would send the hearing schedule to the Administrative Assistant to send out to all members and he and Vice Chairman Ewin encouraged all Elected Officials and Public Works Directors to attend the January 21st meeting and speak in support of the waiver.

Vice Chairman Ewin requested newly elected Chairman Robak coordinate with any members planning on attending the hearing.

7. PRESENTATION OF STATEWIDE SEWER SYSTEM MANAGEMENT PLAN (SSMP)
(Christopher Toth).

Mr. Toth provided a brief presentation which had previously been presented to Metro TAC. Metro TAC Chairman Scott Huth summarized that he felt all JPA jurisdictions were on target and everyone was working together sharing information. Additionally, he added that San Diego was further ahead as a region than other parts of California due to having met requirements of a previous order which had 60-70% of the major components of this one. There would be more reporting and master planning in terms of a document to be done, but in terms of implementation and dealing with things in the field, those have been in place for quite some time.

8. PRESENTATION ON ORANGE COUNTY GROUND WATER REPLENISHING PROGRAM TOUR (Augie Caires)

Commissioner Caires provided a handout of the PowerPoint presentation received from Orange County (copy on file) and gave a brief report on the tour taken, suggesting that the JPA consider taking a similar tour in the future due to the parallels between Orange County and San Diego. He stated that the tour emphasized the importance of public education and outreach in achieving in their case, a ground water replenishment program and in our case it would be Reservoir Augmentation or IPR. The IPR has been unanimously endorsed by the IROC. The Orange County Sanitation District also has experience in the Waiver process and their General Manager has offered to assist the City and the Metro JPA in these and other issues as well.

9. ACTION – CONSIDERATION AND POSSIBLE ACTION TO APPROVE THE 2009 CALENDAR OF MEETINGS

Upon motion by Commissioner Lewis, seconded by Commissioner McCoy, with the City of National City absent, the Commissioners approved the 2009 Calendar of Meetings.

Vice Chairman Ewin noted that the Finance Ad Hoc Committee was scheduled to meet the last Thursday of each month.

10. IROC UPDATE

Commissioner Caires provided the following update, noting that IROC addresses both water and wastewater issues:

- Draft sections of the IROC 1st Annual Report to the Mayor and Council are being developed. Topics of interest to the JPA include use of reclaimed water; indirect potable reuse, waiver, disposal and use of biosolids; system vulnerability and risks (interest in addressing all risks not just terrorism – IROC undertaking in 2009 through analysis); Orange County Sanitation District; Coastkeeper issue with Waiver; cost of recycled water (study of under pricing).
- Draft of the Fiscal Year 2008 Unaudited Financial Reports

- Draft Annual Report
- Discussion of Grant Opportunities Regarding the Federal Economic Stimulus Package
- Discussion of Public Outreach Associated with Gaining Continued Support of the Secondary Waiver

Vice Chairman Ewin asked General Counsel Paula de Sousa clarify what an Ad Hoc Committee was and which Ad Hoc Committees were still in effect for the JPA. Ms. de Sousa stated that an Ad Hoc Committee was a single purpose type entity that ceases to exist once their purpose has been achieved. For example, the Finance Ad Hoc Committee is charged with reviewing the City of San Diego financial issues that affect the JPA and the Participating Agencies, primarily resulting from the backlog of the audits. Once the audits are up to date, that committee will cease. The Communication Ad Hoc Committee is still in existence because a communications program needs to be developed in light of the departure of Walke & Conlee and once that program is developed, it too will cease. Those were the two current JPA Ad Hoc Committees. Additionally, she stated that Ad Hoc Committees could be appointed on a case by case basis as the needs arose by the Chair.

11. COMMUNICATION AD HOC COMMITTEE

No report.

12. FINANCE AD HOC COMMITTEE

Vice Chairman Ewin reported that the Committee comprised of himself, Al Ovrom, General Counsel Paula de Sousa, Doug Wilson and Scott Huth, joined by Darlene Morrow-Truver of San Diego who has served as the primary liaison, had met last Tuesday and covered an update on the refinancing and new bond funding scheduled to go out in May to resolve a private loan of City Bank; the 2006 Audit was now completed, the 2007 Audit was beginning and in the test phase with the sampling to be pulled; and the last item which was briefly reviewed for information, regarding potential requests for reserves and debt service coverage for the portion that could be attributed to JPA activities with all of the financing and all of the operational use that takes place on the wastewater side.

Vice Chairman Ewin added that an additional and important note now that the meetings had been set on a permanent schedule was that the new Chairman should take a look at Committee composition. Additionally, that the Finance Ad Hoc Committee's goal was to report back in detail, the effects on each jurisdiction.

13. PROPOSED AGENDA ITEMS FOR THE NEXT METRO COMMISSION/METRO WASTEWATER JPA MEETING – (February 5, 2009)

Vice Chairman Ewin requested an update on the Secondary Treatment Waiver be added back on.

Commissioner McCoy requested the rescheduling of a presentation on Smart Water Management.

Chairman Robak requested a review of the Strategic Plan.

14. METRO COMMISSIONERS' AND JPA BOARD MEMBERS' COMMENTS

Commissioner Lewis congratulated the newly elected Chairman, Vice-Chairman and Secretary.

Commissioner McCoy inquired as to whether there were any wastewater projects in San Diego that the State Board funded that were impacted by their work stoppage and if so, if the JPA should write a letter.

Vice Chairman Ewin requested Commissioner Rexford convey the JPA's best wishes to Councilmember Boyack.

Commissioner Caires congratulated the new officers and advised Chairman Robak that the JPA was in its 11th year and had only had 3 prior Chairs.

15. CLOSED SESSION - CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Initiation of litigation pursuant to subdivision (c) of Section 54956.9

(2 potential cases)

At 1:01 p.m., all persons left the room with the exception of the Board of Directors, Secretary, and Metro Wastewater JPA Counsel.

No action was taken in closed session. There were no minutes taken, and the session was not tape recorded.

At 1:16 p.m., Vice Chairman Ewin declared the meeting to be in open session.

16. ADJOURNMENT OF METRO COMMISSION AND METRO WASTEWATER JPA

At 1:17 p.m., there being no further business, Vice Chairman Ewin declared the meeting adjourned.

Recording Secretary

Agenda Item 6

Metro Wastewater JPA

Treasurer's Report
Six Months Ending December 31, 2008
Unaudited

Beginning Cash Balance at July 1, 2008 **\$ 38,593**

Operating Results

Membership dues & Interest income	\$ 126,126
Expenses	\$ (85,464)
Net Income (Loss)	<u>\$ 40,662</u>
Net change in receivables & payables (see cash flow statement)	<u>\$ 148,804</u>

Cash provided (used) from operating activities **\$ 189,466**

Ending Cash Balance at December 31, 2008 **\$ 228,059**

Submitted by:

Doug Wilson, Treasurer

27-Jan-09

Metro Wastewater JPA - C/O Padre Dam MWD
Balance Sheet
 As of December 31, 2008

	<u>Dec 31, 08</u>	<u>Jun 30, 08</u>	<u>\$ Change</u>
ASSETS			
Current Assets			
Checking/Savings			
California Bank & Trust	215,725	34,228	181,497
California Bank - checking	12,334	4,365	7,969
Total Checking/Savings	<u>228,059</u>	<u>38,593</u>	<u>189,466</u>
Total Current Assets	<u>228,059</u>	<u>38,593</u>	<u>189,466</u>
TOTAL ASSETS	<u>228,059</u>	<u>38,593</u>	<u>189,466</u>
LIABILITIES & EQUITY			
Liabilities			
Current Liabilities			
Accounts Payable			
Accounts Payable	50,204	26,399	23,804
Total Accounts Payable	<u>50,204</u>	<u>26,399</u>	<u>23,804</u>
Other Current Liabilities			
Unearned Membership Billings	125,000	0	125,000
Total Other Current Liabilities	<u>125,000</u>	<u>0</u>	<u>125,000</u>
Total Current Liabilities	<u>175,204</u>	<u>26,399</u>	<u>148,804</u>
Total Liabilities	175,204	26,399	148,804
Equity			
Retained Equity	12,194	-18,785	30,979
Net Income	<u>40,661</u>	<u>30,979</u>	<u>9,683</u>
Total Equity	<u>52,855</u>	<u>12,194</u>	<u>40,661</u>
TOTAL LIABILITIES & EQUITY	<u>228,059</u>	<u>38,593</u>	<u>189,466</u>

Metro Wastewater JPA - C/O Padre Dam MWD
Profit & Loss Budget vs. Actual
 July through December 2008

	<u>Jul - Dec 08</u>	<u>Budget</u>	<u>\$ Over Budget</u>
Ordinary Income/Expense			
Income			
Membership Dues	125,000	125,000	(0)
Interest_ Income	1,126	750	376
Total Income	<u>126,126</u>	<u>125,750</u>	<u>376</u>
Expense			
PBS&J	38,149	53,000	(14,851)
Legal	14,875	15,000	(125)
Financial Consulting	10,786	3,000	7,786
Per Diem - Agency	6,450	12,000	(5,550)
Public Information	5,700	16,780	(11,080)
Administrative Support - Padre	4,189	7,000	(2,811)
Metro/JPA/TAC meeting expens...	1,627	2,500	(873)
Contingencies	1,521	2,500	(979)
Automobile Expense	816	1,500	(684)
Administrative Support	794	2,400	(1,606)
Per Diem - Chairman	450	2,250	(1,800)
Bank charges	108	72	36
Dues and Subscriptions	0	600	(600)
Supplies	0	150	(150)
Miscellaneous	0	278	(278)
Office Supplies	0	30	(30)
Total Expense	<u>85,464</u>	<u>119,060</u>	<u>(33,596)</u>
Net Ordinary Income	<u>40,661</u>	<u>6,690</u>	<u>33,972</u>
Net Income	<u><u>40,661</u></u>	<u><u>6,690</u></u>	<u><u>33,972</u></u>

Metro Wastewater JPA - C/O Padre Dam MWD
Statement of Cash Flows
July through December 2008

	<u>Jul - Dec 08</u>
OPERATING ACTIVITIES	
Net Income	40,661
Adjustments to reconcile Net Income to net cash provided by operations:	
Accounts Payable	23,804
Unearned Membership Billings	125,000
Net cash provided by Operating Activities	<u>189,466</u>
Net cash increase for period	189,466
Cash at beginning of period	38,593
Cash at end of period	<u><u>228,059</u></u>

Agenda Item 7

Metro Commission/Metro Wastewater JPA Ad Hoc Committees

Committee	Ad Hoc Committee/Staff Assignments	Committee Membership/Staff Assignment
Finance Ad-Hoc	Review issues regarding San Diego's budget issues (financing in light of credit issues) and impact on the PA's	Members: Henry Abarbanel, Merrilee Boyack, Ernie Ewin, Al Ovrom Staff: Karyn Keese, Scott Huth, Doug Wilson
Communications Ad-Hoc (in hiatus until Strategic Plan is developed)	Develop a communications plan for the JPA/oversee process for selection of a new communications and webmaster service	Members: Augie Caires, Mark Robak, Mayda Winter Staff: Abel Rodriguez (Posts)

As a reminder, there are no set time limits on the existence of an "ad hoc" committee. However, "ad hoc" committees must be created for a limited purpose and/or to carry out a specific task, in order to be classified as "ad Hoc." If a committee is not "ad hoc" it is a standing committee subject to the requirements of the Brown Act.

Other JPA Ad Hoc Committees throughout the years, not included in the list above, have dissolved because the limited purposes for which they were created were accomplished.