



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

AGENDA

**Thursday, AUGUST 6, 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** – CONSIDERATION AND POSSIBLE ACTION TO APPROVE MINUTES OF JUNE 4, 2009
4. **ACTION** – CONSIDERATION AND POSSIBLE ACTION TO APPROVE ELECTION OF NEW CHAIR/VICE CHAIR:
 - A. Nominations
 - B. Election
- X 5. **ACTION** – CONSIDERATION AND POSSIBLE ACTION TO RENEW WEB SITE SERVICES AGREEMENT WITH AR CONSULTING (September 11, 2009 expiration)
- X 6. **ACTION** – CONSIDERATION TO REVIEW AND APPROVE TREASURER'S REPORT FOR YEAR ENDED JUNE 30, 2009

August 6, 2009

Metro Commission/Metro
Wastewater JPA Agenda

Documentation
Included

7. DISCUSSION REGARDING THE JPA'S FUNDAMENTAL PURPOSES AND SCOPE OF INTEREST AND RESPONSIBILITY
- X 8. UPDATE ON POINT LOMA SECONDARY WAIVER PROCESS
9. METRO TAC UPDATE
10. IROC UPDATE
11. FINANCE AD HOC COMMITTEE
12. STRATEGIC PLAN (ANNUAL RETREAT) AD HOC COMMITTEE (Continued to the September 3, 2009 Regular Meeting)
13. PROPOSED AGENDA ITEMS FOR THE NEXT METRO COMMISSION/ METRO WASTEWATER JPA MEETING SEPTEMBER 3, 2009
14. METRO COMMISSIONERS' AND JPA BOARD MEMBERS' COMMENTS
15. 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 Metro 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. Kane at (858) 292.6321, at least forty-eight hours in advance of the meetings.

August 6, 2009

Metro Commission/Metro
Wastewater JPA Agenda

Agenda Item 3



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

**Chula Vista Nature Center Auditorium
1000 Gunpowder Point Drive
Chula Vista, California**

**June 4, 2009
DRAFT Minutes**

Vice Chairman Ernie 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	(arrived 12:15 p.m.) Scott Tulloch Scott Huth
City of Coronado	Al Ovrom	X	
City of Del Mar	Donald Mosier	X	
City of El Cajon	Bill Wells	X	
City of Imperial Beach	Patricia McCoy	X	
City of La Mesa	Ernie Ewin	X	
Lemon Grove Sanitation District	Jerry Jones		Patrick Lund
City of National City	VACANT		(No Representative)
City of Poway	Betty Rexford	X	
City of San Diego	Jerry Sanders		Jim Barrett
County of San Diego	Dianne Jacob		Daniel Brogadir
Otay Water District	Larry Breitfelder	X	
Padre Dam MWD	Augie Caires	X	
Metro TAC Chair	Scott Huth	X	
IROC	Don Billings	X	Barry Newman

Others present: Metro JPA General Counsel Paula de Sousa; City of San Diego General Counsel Zeleny; JPA Secretary David Sherer; Padre Dam Municipal Water District Alternate Augie Scalzitti; Karyn Keese- PBS&J

2. PUBLIC COMMENT

There was no public comment.

3. PRESENTATION BY VICE-CHAIRMAN EWIN OF PROCLAMATION TO CHAIRMAN ROBAK FOR HIS SERVICE TO THE METRO COMMISSION/METROPOLITAN WASTEWATER JPA

Vice Chairman Ewin noted that former Chairman, Mark Robak had communicated with everyone that he was no longer assigned to this committee and that Mr. Larry Breitfelder was now assigned by and would be representing the Otay Water District. Vice Chairman Ewin asked Commissioner Breitfelder to take the Proclamation and Plaque that the JPA would like to have presented to Mr. Robak and make the presentation under his own jurisdiction. Mr. Breitfelder responded that he would be honored to do so.

4. **ACTION: APPROVE MINUTES OF MAY 7, 2009 REGULAR MEETING AND MAY 7, 2009 SPECIAL MEETING**

Upon motion by Commissioner McCoy, seconded by Commissioner Rexford, the May 7, 2009 Regular Meeting Minutes and May 7, 2009 Special Meeting Minutes were approved with Commissioners Ovrom and Breitfelder abstaining.

5. **RECLAIMED WATER PRICING STUDY**

Ms. Keese provided a brief update on the background and status of the study.

6. **ACTION – APPROVAL OF FISCAL YEAR 2009/2010 BUDGET (this item was heard after Item 9)**

Treasurer Wilson provided a handout of the Fiscal Year 2009/2010 Budget along with a revised Metro Commission/JPA Agency Cost Allocation. He noted that the Membership dues had been reduced and he was presenting a break even budget for the year. Additionally, he noted that he had provided a revision to the last page which reflected a comparison of last year's billings versus this year's billings. Treasurer Wilson summarized that the largest expenditure was PBS&J; legal had increased slightly; and the per diem line item had been combined by eliminating the separate line item for the Chairman.

Vice Chairman Ewin stated that the only other item of significant note was the line item pertaining to Public Information. There used to be an extensive expenditure relative to public information and getting the word out which has now been replaced by a minimal amount as the Board still needs to determine exactly what type of public communications needs to be engaged and at what level, perhaps as an Ad Hoc review.

General Counsel de Sousa clarified that approval of this budget will authorize the Interim Chair to execute previously discussed amendments to the agreements with Padre Dam for treasurer services and PBS&J.

Upon motion by Commissioner Caires, seconded by Commissioner McCoy, the Board unanimously approved the Fiscal Year 2009/2010 Budget.

Vice Chairman Ewin requested each Commissioner convey to their respective jurisdictions, that the JPA was taking the charges down and would continue to strive to do that.

7. **ACTION – PBS&J WORK PLAN/AUTHORIZE AMENDMENT TO PBS&J AGREEMENT TO REFLECT 2009-2010 WORK PLAN**

Karyn Keese thanked the Commissioners for working with them and provided a brief overview of the proposed work plan.

Metro TAC Chairman Huth stated that Ms. Keese had presented the work plan at the May Metro TAC meeting and the Metro TAC Committee recommends approval of their contract which is a continuation of the positive work product received from PBS&J who has been most helpful, especially over this past year with the number of items they have been working on.

Vice Chairman Ewin echoed Mr. Huth adding that PBS&J provided many hours of work assistance to the Financial Ad Hoc Committee as they looked at the Exhibit E's and other activities that had taken place over the past and prior years.

Upon motion by Commissioner Caires, seconded by Commissioner Rexford, the Board unanimously approved the amendment to the PBS&J agreement to reflect the 2009/2010 work plan subject to adoption of the budget (Item 6).

8. ACTION – AUTHORIZE AMENDMENT TO TREASURER SERVICES AGREEMENT WITH PADRE DAM MUNICIPAL WATER DISTRICT

Treasurer Wilson provided a brief overview of the services he and his staff provide to the Metro Commission/Metro Wastewater JPA.

Vice Chairman Ewin added that the services provided were very extensive, not only from the proposed budget, but the periodic updating which is always right on.

Upon motion by Commissioner Caires, second by Commissioner Breitfelder, the Board unanimously approved the proposed amendment to the Treasurer Services agreement subject to adoption of the budget (Item 6).

9. METRO TAC UPDATE

Metro TAC Chairman Huth reported that at their last meeting they received an update from San Diego on the bond sale and were also informed that the Point Loma Waiver item was scheduled to be heard at the Regional Water Quality Control Board on Wednesday, June 10. It was his understanding that this was not for more public feedback, but to close out the application and it appeared that everything was moving forward for approval by the Regional Board.

The Metro TAC had also received a presentation on the Bid to Goal program that San Diego has which they will go over one more time and then bring to the JPA at the end of summer.

The PBS&J contract amendment was reviewed and recommended for approval by the JPA as was the Reclaimed Water Pricing Study

ITEM 6 was heard at this time.

10. IROC UPDATE

Commissioner Caires reported that IROC had heard two reports. The American Recovery and Reinvestment Act was updated and the City of San Diego was seeking to secure as much funding as possible from that mechanism. There was also a quarterly budget review for both water and wastewater. At the meeting, both Chairman Billings and Vice Chairman Newman were reappointed to their Chair and Vice Chair positions. The water department preliminary statement and feasibility study was reviewed and San Diego will be going out for a bond issue not to exceed \$329 million. On June 1 there were two committee meetings, Public Outreach and Education and Environmental and Technical, topics of interest for the JPA to look at were disposition of pharmaceuticals and communications with customers on recycled water including IPR and the benefits of recycled water and IPR. Water and Waste Water rate case studies will begin soon. IROC will have meetings scheduled with the San Diego City Councilmember's to brief them on IROC's issues and receive input. IROC is planning their first annual Planning Meeting, date to be determined. ISO 1401 Program was updated and finally the grey water systems were discussed in some detail, due to the regulations this mechanism faces, it really deters the cost effective use of grey water systems which will hopefully change so that it can become a more viable source of recycled water.

IROC Chairman Billings noted that they were short members and a new member, Andy Hollingsworth was appointed by Council. He is a CPA and will be heading the Finance sub-committee and acting more like an auditor so they will likely be drilling down and sampling the CIP and the process/prioritization of projects. Additionally, IROC will be presenting to the City of San Diego Audit Committee on June 15th and they anticipate extensive discussion on the Bid to Goal program.

11. FINANCE AD HOC COMMITTEE
A. REVIEW OF ACTIVITIES

Vice-Chairman Ewin reported that the Finance Ad Hoc Committee met on May 28th and covered an extensive agenda which included getting an update on the Exhibit E's as well as the Wastewater Bond Issue. He noted that City of San Diego staff was gracious to attend and cover several other items as well. He then remarked on how phenomenal the handling by the City of San Diego staff on the bond issue was, not only how they handled it, but how quickly and the strategy they used. The Ad Hoc had always looked at the possibility of the JPA obtaining an advantage by securing bonding themselves rather than just going along with the City of San Diego. Vice Chairman Ewin stated that the City of San Diego was able to obtain very good pricing even in its private placements which were of benefit to the JPA and all members were well served by the City of San Diego.

Commissioners Ovrom and Rexford echoed the accolades of Vice Chairman Ewin to the City of San Diego.

Vice Chairman Ewin said that another item covered was the budget and that they were close to wrapping up the Exhibit E's which should be finalized by the end of the this upcoming fiscal year.

B. GASB 49/ACCOUNTING AND FINANCIAL REPORTING FOR POLLUTION REMEDIATION OBLIGATIONS

Vice Chairman Ewin noted that the agenda packet included information on GASB 49 which he encouraged the Commissioners to share with their respective cities and thanked the City of San Diego staff for bringing this forward and sharing their approaches on it.

Vice Chairman Ewin then requested General Counsel de Sousa address what function the Ad Hoc Finance Committee performs and when they may be called on to do this again.

General Counsel de Sousa stated this topic was discussed at the Finance Ad Hoc meeting and it was decided that they would continue to meet on an as needed basis until the City of San Diego is up to date with the Exhibit E issues at which point the purpose for which this Ad Hoc Committee was created, which was to oversee issues that impact the Participating Agencies in light of the City of San Diego's financial concerns and issues, would be over. At that point the Finance Ad Hoc Committee will cease to exist.

12. PROPOSED AGENDA ITEMS FOR THE NEXT METRO COMMISSION/METRO WASTEWATER JPA MEETING (July 2, 2009 at MOC II)

Discussion ensued regarding the consideration for cancellation of the July 2 meeting.

Upon motion by Commissioner Cox, seconded by Commissioner McCoy, the Board voted unanimously to cancel the July 2, 2009 Regular Meeting.

Vice Chairman Ewin requested that the Commissioners review the summary of the workshop which was included in the June 4 agenda packet and to contact him with any items they would like to see go forward.

Items for August 6, 2009 Regular Meeting: Election of Chair and possibly Vice Chair; Strategic Planning Workshop follow-up; 15-Priorities identified in the workshop – review, clarify, and possibly narrow for assignment.

13. METRO COMMISSIONERS' and JPA BOARD MEMBERS' COMMENTS

Commissioner Mosier noted that the Marine Life Protection Act was in the middle of their hearings and that a couple of the potential designated reserves are located off the coast of Point Loma and may affect the outfall which in turn would affect the JPA. He stated that additional information could be found on their website: www.dfg.ca.gov/mlpa

Commissioner Breitfelder stated he was actually a returning Commissioner from many years ago and looked forward to working with everyone.

General Counsel de Sousa stated the annual San Diego Area Wastewater Management District (SANDIST) meeting would be held following the August 6 regular meeting. Additionally she stated that her firm had prepared a memo on the MLPA and would send it to the Secretary to forward.

14. ADJOURNMENT OF METRO COMMISSION AND METRO WASTEWATER JPA

At 12:45 p.m., there being no further business, Vice-Chairman Ewin declared the meeting adjourned.

Recording Secretary

Agenda Item 5

**FIRST AMENDMENT TO THE AGREEMENT FOR
PROFESSIONAL SERVICES BETWEEN METRO
WASTEWATER JOINT POWERS AUTHORITY
AND AR CONSULTING**

THE FIRST AMENDMENT is made and entered into this ___ day of _____, 2009, by and between Metro Wastewater Joint Powers Authority (hereinafter referred to as the “Metro JPA”), a joint powers authority organized and operating pursuant to California Government Code section 6500 *et seq.*, and Abel Rodriguez, dba AR Consulting (hereinafter referred to as “Consultant”).

RECITALS

A. Whereas Metro JPA and Consultant did enter into an agreement for professional services (hereinafter referred to as “Agreement”) on September 11, 2008 for Consultant to provide Website maintenance, and related services; and

B. WHEREAS, Section 2 and Section 12 of the Agreement provide that the Agreement may be modified or altered by a writing signed by both parties; and

C. WHEREAS, both Metro JPA and Consultant mutually desire to amend the Agreement to extend the time of performance;

NOW THEREFORE, in consideration of the mutual obligations of the parties herein expressed, Metro JPA and Consultant agree as follows:

1. Section 4 of the original Agreement is amended as necessary to extend the end date of Consultant services until September 11, 2010.

2. All other terms and conditions of the original Agreement shall remain in full force and effect.

IN WITNESS WHEREOF, this First Amendment to Agreement is executed by Metro JPA and by Consultant on the day and year first written above.

<p>METRO WASTEWATER JOINT POWERS AUTHORITY</p>		<p>AR CONSULTING</p>
<p>By: _____ Ernest Ewin</p>		<p>By: _____ Abel Rodriguez</p>

APPROVED AS TO FORM:

<p>BEST BEST & KRIEGER LLP</p>	
<p>By: _____ Paula C. P. de Sousa General Counsel Metro Wastewater Joint Powers Authority</p>	

Agenda Item 6

Metro Wastewater JPA

Treasurer's Report
Twelve months ending June 30, 2009
Unaudited

Metro Wastewater JPA

Treasurer's Report
Twelve Months Ending June 30, 2009
Unaudited

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

Operating Results

Membership dues & Interest income	\$ 251,759
Expenses	\$ (201,258)
Net Income (Loss)	<u>\$ 50,501</u>
Net change in receivables & payables (see cash flow statement)	<u>\$ (9,202)</u>

Cash provided (used) from operating activities **\$ 41,299**

Ending Cash Balance at June 30, 2009 **\$ 79,892**

Submitted by:

Doug Wilson, Treasurer

24-Jul-09

Metro Wastewater JPA - C/O Padre Dam MWD
Balance Sheet
 As of June 30, 2009

	<u>Jun 30, 09</u>	<u>Jun 30, 08</u>	<u>\$ Change</u>
ASSETS			
Current Assets			
Checking/Savings			
California Bank & Trust	75,858	34,228	41,630
California Bank - checking	4,032	4,365	-333
Total Checking/Savings	<u>79,890</u>	<u>38,593</u>	<u>41,297</u>
Accounts Receivable			
Accounts Receivable	4,785	0	4,785
Total Accounts Receivable	<u>4,785</u>	<u>0</u>	<u>4,785</u>
Total Current Assets	<u>84,675</u>	<u>38,593</u>	<u>46,082</u>
TOTAL ASSETS	<u>84,675</u>	<u>38,593</u>	<u>46,082</u>
LIABILITIES & EQUITY			
Liabilities			
Current Liabilities			
Accounts Payable			
Accounts Payable	21,981	26,399	-4,418
Total Accounts Payable	<u>21,981</u>	<u>26,399</u>	<u>-4,418</u>
Total Current Liabilities	<u>21,981</u>	<u>26,399</u>	<u>-4,418</u>
Total Liabilities	21,981	26,399	-4,418
Equity			
Retained Equity	12,194	-18,785	30,979
Net Income	50,501	30,979	19,522
Total Equity	<u>62,694</u>	<u>12,194</u>	<u>50,501</u>
TOTAL LIABILITIES & EQUITY	<u>84,675</u>	<u>38,593</u>	<u>46,082</u>

Metro Wastewater JPA - C/O Padre Dam MWD
Profit & Loss Budget vs. Actual
 July 2008 through June 2009

	<u>Jul '08 - Jun 09</u>	<u>Budget</u>	<u>\$ Over Budget</u>
Ordinary Income/Expense			
Income			
Membership Dues	250,000	250,000	0
Interest_ Income	1,759	1,500	259
Total Income	<u>251,759</u>	<u>251,500</u>	<u>259</u>
Expense			
PBS&J	105,595	106,000	(405)
Legal	33,230	30,000	3,230
Per Diem - Agency	20,250	24,000	(3,750)
Financial Consulting	14,141	6,000	8,141
Administrative Support - Padre	11,163	14,000	(2,837)
Public Information	5,975	33,560	(27,585)
Metro/JPA/TAC meeting expens...	4,412	5,000	(588)
Contingencies	2,059	5,000	(2,941)
Automobile Expense	1,971	3,000	(1,029)
Administrative Support	1,740	4,800	(3,060)
Per Diem - Chairman	450	4,500	(4,050)
Bank charges	213	194	19
Miscellaneous	60	556	(496)
Dues and Subscriptions	0	600	(600)
Office Supplies	0	65	(65)
Annual Retreat - strategic plan	0	3,000	(3,000)
Supplies	0	300	(300)
Total Expense	<u>201,258</u>	<u>240,575</u>	<u>(39,317)</u>
Net Ordinary Income	<u>50,501</u>	<u>10,925</u>	<u>39,576</u>
Net Income	<u><u>50,501</u></u>	<u><u>10,925</u></u>	<u><u>39,576</u></u>

Metro Wastewater JPA - C/O Padre Dam MWD
Statement of Cash Flows
July 2008 through June 2009

	<u>Jul '08 - Jun 09</u>
OPERATING ACTIVITIES	
Net Income	50,501
Adjustments to reconcile Net Income to net cash provided by operations:	
Accounts Receivable	-4,785
Accounts Payable	-4,418
Net cash provided by Operating Activities	<u>41,297</u>
Net cash increase for period	41,297
Cash at beginning of period	<u>38,593</u>
Cash at end of period	<u><u>79,890</u></u>

Agenda Item 8

July 30, 2009

California Coastal Commission
Chairperson Neely
45 Fremont Street, Suite 2000
San Francisco, CA 94105-2219

Attention: Mark Delaplaine

SUBJECT: Coastal Commission Meeting, Thursday, August 13, 2009.

Item 11b. Federal Consistency CC-043-09 (City of San Diego)
Consistency Certification by City of San Diego for secondary treatment waiver (i.e., Environmental Protection Agency (EPA) Reissuance under section 301(h) of the Clean Water Act, of a modified National Pollutant Discharge Elimination System (NPDES) Permit) for Point Loma Wastewater Treatment Plant Discharges offshore of San Diego, San Diego County. (MPD-SF)

Dear Commissioners:

The Metro Wastewater Commission and JPA (together "Metro JPA") would like to express their complete support for the reissuance of the 301 (h) modified NPDES permit for the City of San Diego's E. W. Blom Point Loma Wastewater Treatment Plant.

The Point Loma Wastewater Treatment Plant is a major component of the Metropolitan Sewerage System, which is operated by the City of San Diego, with the participation of fifteen other municipalities and agencies. Nearly one third of the total flow to the system originates from these participating agencies and, therefore, the Metro JPA, the coalition of municipalities and special districts sharing in the use of the City of San Diego's regional wastewater facilities, has an interest in decisions that affect the operation of the Metro system. Additionally, with coastal communities as participating agencies, we have a concern that the public health and environment of our local waters are protected.

Coastal Commission
Point Loma Treatment Plant
July 30, 2009
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The Metro JPA has been actively involved in all the secondary waiver processes at Point Loma, and the elected officials of the participating agencies are educated in this subject. We feel strongly that the combination of chemically assisted primary treatment, the deep ocean outfall (located 320 feet deep and 4.5 miles from the shoreline) and the City of San Diego's exemplary record of compliance with the State Ocean Plan during the last 15 years have proven to be protective of the public health and environment in the local area. As well, comprehensive ocean monitoring over the past 15 years, along with scientific analysis, has not revealed any harmful impacts to the ocean environment. The Metro JPA supports the U. S. Environmental Protection Agency's Approval Decision, as well as the San Diego Regional Water Quality Control Board's unanimous decision to approve the modified permit, because this decision continues to protect the environment while being fiscally prudent with public resources.

Therefore, the Metro JPA urges the California Coastal Commission to make the finding that San Diego's modified waiver complies with the California Coastal Management Program and that it will be conducted in a manner consistent with this program.

Sincerely,

XXXXXXXXXXXXXXXXXX
XXXXXX