

LAKE ELSINORE & SAN JACINTO WATERSHEDS AUTHORITY BOARD OF DIRECTORS MEETING

SPECIAL MEETING MINUTES DECEMBER 10, 2018

BOARD OF DIRECTORS PRESENT

Brenda Dennstedt, Chair, Santa Ana Watershed Project Authority
Phil Williams, Vice Chair, Elsinore Valley Municipal Water District
Vicki Warren, Secretary/Treasurer, City of Canyon Lake
Robert Magee, City of Lake Elsinore
Kevin Jeffries, County of Riverside

OTHERS PRESENT

David Wysocki, LESJWA Attorney
Liselle DeGrave, DeGrave Communications
Nicole Dailey, City of Lake Elsinore

LESJWA STAFF

Mark Norton, Sara Villa

1. CALL TO ORDER/PLEDGE OF ALLEGIANCE

The Board of Directors Special meeting of the Lake Elsinore & San Jacinto Watersheds Authority (LESJWA) was called to order at 4:01 p.m. by Chair Dennstedt at the Elsinore Valley Municipal Water District, 31315 Chaney Street, Lake Elsinore, California.

2. ROLL CALL

Roll call was duly noted and recorded by the Clerk of the Board.

3. PUBLIC COMMENTS

There were no public comments.

4. NEW BOARD MEMBER WELCOME – JANUARY 2019

Let it be known Vicki Warren is the Board of Director for the City of Canyon Lake until December 12, 2018.

5. CONSENT CALENDAR

A. APPROVAL OF MEETING MINUTES: OCTOBER 18, 2018

Recommendation: Approve as posted.

B. TREASURER'S REPORT: SEPTEMBER/OCTOBER 2018

Recommendation: Approve as posted.

C. COMMITTEE STATUS REPORT: OCTOBER 23, 2018

Recommendation: Approve as posted.

D. TMDL TASK FORCE REPORT: SEPTEMBER 19, 2018/OCTOBER 30, 2018

Recommendation: Approve as posted.

MOVED, approve the Consent Calendar.

Result:	Adopted (Unanimously)
Motion/Second:	Warren/Magee
Ayes:	Dennstedt, Jeffries, Magee, Warren, Williams
Nays:	None
Abstentions:	None
Absent:	None

6. NEW BUSINESS

A. RESOLUTION NO. 2018-01 COMMENDING VICKI WARREN FOR HER SERVICE (MEMO 840)

The Board of Directors recognized outgoing Director Vicki Warren for her dedication and commitment to LESJWA since January 2015, during which time she served as a Director on the Board and provided significant insight and direction. A Certificate of Appreciation was awarded to Director Warren, and Resolution No. 2018-01 commending her for her service was brought forward for approval.

MOVED, to adopt Resolution No. 2018-01, commending Vicki Warren for her service on the LESJWA Board of Directors.

Result:	Adopted (Unanimously)
Motion/Second:	Williams/Magee
Ayes:	Dennstedt, Jeffries, Magee, Warren, Williams
Nays:	None
Abstentions:	None
Absent:	None

B. OUTSIDE FUNDING POLICY IN SUPPORT OF LAKE ELSINORE & CANYON LAKE TMDL TASK FORCE (MEMO 841)

Mark Norton recommended that the Board of Directors allow LESJWA and the Lake Elsinore Canyon Lake TMDL Task Force (LE/CL Task Force) to accept contributions from third party entities (project proponents) when such financial contributions and participation are encouraged by the Regional Board or the other regulatory body having jurisdiction over LESJWA.

In recent months, the LE/CL Task Force was informed by the Santa Ana Regional Water Quality Control Board that it has encouraged some third-party entities (project proponents) to participate and get involved in the Task Force since their respective projects may have an impact on the TMDL. The LE/CL Task Force and the Regional Board believe that review of these projects may affect the TMDL Update but that such review may have a cost impact on the LE/CL Task Force. It is important to note that though the LE/CL Task Force was willing to accept funding from the project proponents to help analyze the impacts of their waste discharges on the Task Force's Waste Load Allocation, the Task Force and LESJWA staff acknowledged that based on the terms of the Task Force Agreement such third parties becoming formal members of the Task Force is not supported and therefore would have no voting rights. These terms appeared to be acceptable to third parties.

David Wysocki noted that what is proposed to be adopted is a general policy, not the approval of any particular contributing project member or proponent. There are no names in the Board memo, and all that is being requested is that the Board approve a policy to allow the administrator to accept third party contributions based on the recommendation of the Regional Board. In addition, the Attorney General Conflict of Interest Manual, Government Code Section 84308 states that it only applies to proceedings involved in a pending license application, permit application or entitlement application as being considered by the governing body, it doesn't apply to general policy issues such as general land-use, general building development standards.

Director Williams noted that this is a general policy discussion only and not reflected of any particular applicant or project proponent. Director Williams referenced LESJWA Board Memo No. 841 and raised concerns on "Staff recommends that the Board of Directors allow LESJWA and the Task Force to accept contributions...". The TMDL Task Force consists of all staff members from different municipalities that are involved in LESJWA, and for there to be a policy that states that the Task Force "staff members" can accept contributions without going through the proper channels of

their respected bodies is a problem. Director Williams suggests having a policy that LESJWA can seek these folks to join and having the discussion amongst the LESJWA Board as opposed to having “staff members” decide and receive contributions, it shouldn’t be done at a staff level but a Board level. Chair Dennstedt provided an example of how currently there is a major point of discussion on the fundamental principal guiding SAWPA with PA23 and different committees. The discussion being that it’s been asked to have staff do project authority agreements including spending and budgeting, though several members of the board feel that the principles should fall directly upon the shoulders of the elected that were put in those positions purposely for that entire monetary oversight and it shouldn’t be placed upon staff in representation at an agency level.

Norton noted that the LE/CL TMDL Task Force consists of about 20 different entities/organizations, and a representative is then assigned by the entity to attend the meetings. There might be discussions about financial issues within the meetings, but all the decisions are subject to approval of their own respectful governing boards. Director Williams stated that if the Regional Board requests to direct staff to receive outside funding, it should go through the process and be approved at Board level, not at staff level. David Wysocki noted that the fair political practices Commission Regulation requires that when contributions are made by an outside party to an agency as opposed to a public official, the latter being a “gift”, is not considered to be a “gift” but the regulation requires that the Senior Officer (Mark Norton) take charge of that contribution and makes sure that it is spent to the benefit of the agency (Task Force) which LESJWA and Mark Norton are the administrator. There is a written disclosure that needs to be made much like the Form 700 for every contribution that is made. Chair Dennstedt raised concerns on not having enough information as a policy maker on what exactly it is as the mission and the founding principles for the TMDL Task Force. What is exactly this body? What was it formed for? Let’s look at the mission statement and guidance before moving forward. Norton noted that there is a Task Force Agreement that was approved by the LESJWA Board in 2006 and since then has gone through a renewal.

Director Magee noted that the term contribution is something given willingly, and the two applicants aren’t doing this willingly, the Regional Board is directing them to sign on. The Task Force staff is struggling with “if we have to review this, who pays for it”? The bottom line is that it’s an application review fee. Director Magee suggested that it needs to be a deposit-based fee where the applicants submit a dollar amount. This governing body should set the dollar amount along with an hourly rate, and if they exceed the initial deposit then staff sends them a bill. That way at the end of the day we are not accepting any contributions and the applicant is paying for professional review by staff as requested by the Regional Board and the TMDL Task Force. Director Warren concurred with Director Magee’s suggestion because there is no definition with whom is the project proponent, and strongly agrees that it would be better placed as an administrator fee. Director Williams questioned if this was a one time or continuous contribution? Norton referenced page 43 within the Agenda Packet and stated that the budgeted funding anticipated from each of the outside project proponents is \$36,868 per year as long as they are involved.

Committee Member Jeffries noted that he understands that we need project proponents to pay for their costs of agency’s time and effort. Can they not make the contribution to one of the entities/member agency and then have them pass it to the TMDL Task Force to justify the fees and avoid all this? Chair Dennstedt noted that she could see it as a temporary solution, but it should really be addressed through a policy fundamental process. Chair Dennstedt suggested forming an Ad Hoc Committee and scheduling a meeting to have a more in-depth discussion on the policy fundamental process to move forward. The appointees to the Committee are Chair Dennstedt, Director Magee, and Authority Administrator, Mark Norton. It was questioned if the Authority Administrator is authorized to accept contributions? It was stated, no, not until the Ad Hoc Committee meets and decides.

C. PHASE 2 LE/CL TMDL COMPLIANCE MONITORING PROGRAM (MEMO 842)

Mark Norton requests that the Board approve and authorize Change Order No.1 to Task Order No. AMEC160-04 with Wood Environment & Infrastructure, Inc. for an amount not-to-exceed \$13,038, to conduct additional water quality sampling of Lake Elsinore as part of the FY2018-19 Phase 2 nutrient TMDL compliance monitoring program.

MOVED, to approve and authorize Change Order No. 1 to Task Order No. AMEC160-04 with Wood Environment & Infrastructure, Inc. for an amount not-to-exceed \$13,038, to conduct additional water quality sampling of Lake Elsinore as part of the FY2018-19 Phase 2 nutrient TMDL compliance monitoring program.

Result: **Adopted (Unanimously)**
Motion/Second: Jeffries/Williams
Ayes: Dennstedt, Jeffries, Magee, Warren, Williams
Nays: None
Abstentions: None
Absent: None

D. LAKE ELSINORE & CANYON LAKE NUTRIENT TMDL REVISION (MEMO 843)

Mark Norton requests that the Board approve and authorize Change Order No. 1 to CDM160-03 with CDM Smith, Inc. for an amount not-to-exceed \$75,700 to Revise and Update Lake Elsinore and Canyon Lake Nutrient TMDLs.

MOVED, to approve and authorize Change Order No. 1 to CDM160-03 with CDM Smith, Inc. for an amount not-to-exceed \$75,700 to Revise and Update Lake Elsinore and Canyon Lake Nutrient TMDLs.

Result: **Adopted (Unanimously)**
Motion/Second: Jeffries/Williams
Ayes: Dennstedt, Jeffries, Magee, Warren, Williams
Nays: None
Abstentions: None
Absent: None

E. REGULATORY STRATEGIST AND TMDL COMPLIANCE SUPPORT SERVICES (MEMO 844)

Mark Norton requests that the Board approve and authorize Change Order No. 1 to Task Order No. RISK160-10 with Risk Sciences for an amount not-to-exceed \$19,890 to provide additional support with the TMDL Revision and Update.

MOVED, to approve and authorize Change Order No. 1 to Task Order No. RISK160-10 with Risk Sciences for an amount not-to-exceed \$19,890 to provide additional support with the TMDL Revision and Update.

Result: **Adopted (Unanimously)**
Motion/Second: Jeffries/Magee
Ayes: Dennstedt, Jeffries, Magee, Warren, Williams
Nays: None
Abstentions: None
Absent: None

7. INFORMATIONAL REPORTS

Recommendation: Receive for information.

A. LESJWA SUMMIT AWARD RECOGNITION (MEMO 845)

Mark Norton informed the Board of Directors that in November 2018, the LESJWA Water Summit was recognized by the Public Relations Society of America for the Capella Award. The LESJWA staff congratulates Liselle DeGrave, DeGrave Communications for her success with the LESJWA Summit.

This item was for informational and discussion purposes; no action was taken on Agenda Item No. 7.A.

B. ADMINISTRATOR'S COMMENTS

Mark Norton referenced an email from Regional Board staff expressing their appreciation to SAWPA staff regarding the LE/CL TMDL Task Force Technical Report.

C. DIRECTORS' COMMENTS

There were no Directors' comments.

D. FUTURE AGENDA ITEMS REQUESTS

Director Williams requested the results on the Ad Hoc Committee meeting.


8. ADJOURNMENT

There being no further business for review, Chair Dennstedt adjourned the meeting at 5:13 p.m.

Approved at a Regular Meeting of the Lake Elsinore & San Jacinto Watersheds Authority Board of Directors Meeting on Thursday, February 21, 2019.


Brenda Dennstedt, Chair

Attest:


Sara Villa, Clerk of the Board