



**REGULAR MEETING OF THE  
JOINT POWERS AUTHORITY BOARD OF DIRECTORS  
THURSDAY, JUNE 16, 2022 – 2:00 PM**

**NOTICE TO THE PUBLIC**

The meeting will be held at the appointed meeting place, the Board Room at Padre Dam's Customer Service Center, located at 9300 Fanita Parkway in Santee.

The meeting is also being held virtually via Zoom pursuant to recent amendments to the Brown Act permitting virtual meetings and waiving certain teleconference requirements under certain circumstances. Some Board Members may attend the meeting virtually pursuant to such Brown Act amendments.

**Register to watch the webinar via the link below:**

[https://us06web.zoom.us/webinar/register/WN\\_0unwE6S5QmOICDNVe02qVQ](https://us06web.zoom.us/webinar/register/WN_0unwE6S5QmOICDNVe02qVQ)

*After registering, you will receive a confirmation with a link to join the webinar.*

**For teleconference dial:**

+1 (646) 568-7788

**Webinar/Meeting ID:**

885 4229 0376#

*Enter # for participant ID*

**PUBLIC COMMENT INSTRUCTIONS**

Members of the public may address the Board on any item on the agenda when the item is considered, or under "Opportunity for Public Comment" regarding items not on the posted agenda that are within the subject matter jurisdiction of the Board. If attending via Zoom, attendees must click the hand raise icon within the meeting platform and will be called on to unmute themselves when it is their turn to speak. If attending in person, fill out a "request to speak" form located near the entrance of the board room and give to the Board Secretary. Public comments are limited to 3 minutes.

Public comments may also be submitted in writing through the [public comment e-form](#) at least a half hour prior to the start of the meeting or mailed to the attention of Amy Pederson, East County AWP JPA, PO Box 719003, Santee, CA 92072. These public comment procedures supersede the JPA's normal public comment policies and procedures to the contrary.

The complete agenda package is available for public review at [www.EastCountyAWP.com](http://www.EastCountyAWP.com). No action may be taken on any item not appearing on the posted agenda, except as provided by Gov. Code Section 54954.2. Any written materials provided to the Board within 72 hours of the meeting regarding any item on this agenda will be available for public inspection on the JPA's website. For questions or request for information related to this agenda contact Amy Pederson, Board Secretary, at 619.258.4614 or [apederson@padre.org](mailto:apederson@padre.org).

Upon request, this agenda will be made available in appropriate alternative formats to persons with disabilities, as required by Section 202 of the American with Disabilities Act of 1990. Any person with a disability who requires a modification or accommodation in order to participate in a meeting should contact Amy Pederson at 619.258.4614 or [apederson@padre.org](mailto:apederson@padre.org).

## **AGENDA**

- **CALL TO ORDER**

- **PLEDGE OF ALLEGIANCE**

- **OPPORTUNITY FOR PUBLIC COMMENT**

Opportunity for members of the public to address the Board regarding items not appearing on this agenda and are within the jurisdiction of the Board (Gov. Code 54954.3)

- **ITEMS TO BE ADDED, WITHDRAWN OR REORDERED ON THE AGENDA**

1. **APPROVAL OF MINUTES**

Recommendation:

Approve the minutes of the May 19, 2022 Regular Board Meeting.

- **CONSENT AGENDA**

Items are considered to be routine and will be acted upon by a single motion without discussion, unless a Board member, staff, or the public request a specific item be removed from the consent agenda for discussion.

2. **AUTHORIZATION FOR REMOTE TELECONFERENCE PUBLIC MEETINGS IN ACCORDANCE WITH ASSEMBLY BILL 361**

Recommendation:

1. Make findings pursuant to Government Code section 54953(e)(3) that the Board of Directors has reconsidered the circumstances of the Governor's Proclamation of a State of Emergency, that the State of Emergency remains in effect, and that state and local officials continue to impose or recommend social distancing due to COVID, and authorize remote teleconference meetings for the East County AWP JPA's legislative body pursuant to Brown Act provisions enacted by AB 361.
2. Make additional, alternative findings pursuant to Government Code section 54953(e)(1)(A) that the Governor has proclaimed a State of Emergency and state or local officials have imposed or recommended measures to promote social distancing, and authorize remote teleconference meetings for the East County AWP JPA's legislative body pursuant to Brown Act provisions enacted by AB 361.

- **REPORTS**

The following items are reports and are placed on the Agenda to provide information to the Board and the public. There is no action called for on these items. The Board may engage in discussion upon which a specific subject matter is identified but may not take any action other than to place the matter on a future agenda.

3. **ADMINISTRATOR REPORT**

- **DIRECTORS COMMENTS**

Directors' comments are to be related to business of the JPA which may be of interest to the Board. They are placed on the agenda to enable individual members of the JPA to convey information to the Board and the Public. There is to be no discussion or action taken on comments made by Board Members.

- **CLOSED SESSION**

At any time during the regular session, the Board may adjourn to closed session to consider litigation, or discuss with Legal Counsel matters within the attorney-client privilege, subject to the appropriate disclosures.

**4. CLOSED SESSION**

**A. CONFERENCE WITH LEGAL COUNSEL—ANTICIPATED LITIGATION**

Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Section 54956.9:  
Two potential case

- **ADJOURNMENT**

CERTIFICATION OF POSTING

I certify that on June 10, 2022, I posted a copy of the foregoing agenda near the regular meeting place of the East County Advanced Water Purification JPA, said time being at least 72 hours prior to the meeting, in accordance with Gov. Code Section 54954.2(a).

  
\_\_\_\_\_  
Amy Pederson, Board Secretary



**MINUTES OF THE REGULAR MEETING OF THE  
JOINT POWERS AUTHORITY BOARD OF DIRECTORS  
HELD ON THURSDAY, MAY 19, 2022**

The regular board meeting of the East County Advanced Water Purification (AWP) Joint Powers Authority (JPA) was held on Thursday, May 19, 2022, at the appointed meeting place, the Board Room at Padre Dam's Customer Service Center, located at 9300 Fanita Parkway in Santee and by video conference as an option for remote participation pursuant to recent amendments to the Brown Act permitting virtual meetings and waiving certain teleconference requirements under certain circumstances.

Chair Goble called the meeting to order at 2:00 pm. A quorum was declared by roll call vote, and the following members were present: Anderson, Caires, Goble and Scalzitti (Ex Officio Member).

Members absent: None

Padre Dam MWD (Administrator) Attendees: Allen Carlisle, CEO/General Manager; Kyle Swanson, Assistant General Manager; Mark Niemiec, Director of AWP; Karen Jassoy, CFO/Director of Finance; Amy Pederson, Board Secretary; Melissa McChesney, Communications Manager; Seval Sen, Engineering Manager; Rebecca Abbott, Engineer; Ken Simmons, Engineer; Alfred Pedroza, Engineer; Nicholas Norvell, Legal Counsel; Elizabeth Cousins, Special Legal Counsel; Suzanne Till, Board Member; Jessica Reifschneider, Administrative Assistant; Seval Sen, AWP Engineering Manager; Brian Croom, Engineering Manager; Cathy Sylvester, Accounting Specialist; Derek Campbell, Distribution Maintenance Supervisor; Diane Johnson, Information Systems Technical Specialist; Doug Wilson, Board Member; Ernie Green, Information Systems Technical Specialist; Greg Gibbs, Construction & Maintenance Supervisor; Jen Gordon, GIS Coordinator; John Tackett, Lead Compliance Administrator; Jonathan Horn, ABC 10 News San Diego; Josh Falos, Recycled Water Operator; Lisa Sorce, Director of Human Resources and Administrative Services; Michael Hindle, Engineering Manager; Paul Clarke, Director of Operations and Water Quality; Paul de Sousa, Legal Counsel; Phillip Stevens, Senior Lab Analyst; Robert Northcote, Plant Manager; Shea Hodges, Cathodic Protection Program Coordinator; Wilson Lau, Engineer

County of San Diego Attendees: Bill Morgan, Deputy Director of Engineering Services; Greg Kazmer, Senior Land Use Advisor; Emily Wier, Policy Advisor; Peejay Tubongbanua, Engineer

City of El Cajon Attendees: Yazmin Arellano, Director of Public Works; Blake Behringer, Associate Engineer; Mike James, Deputy Director of Public Works

Helix Water District Attendees: Amy Pope, Finance Manager; Dan McMillan, Board Member, Kathleen Hedberg, Board Member; DeAna Verbeke, Board Member; Kevin Miller, Director of Operations; Larry Lyford, Water Treatment Plant Manager; Mike Uhrhammer; Vince Dambrose

Others present: Aden Shafer; Adriana Ochoa, Procopia; Alex Cali, MISCOWater; Amber Ward, WM Lyles; Bailey Nelson, De Nora; Beth Gentry, City of Chula Vista; Bonnie Price, Spring Valley resident; Brian Daly, Aecom; Chantz Fox, WM Lyles; Colin Bajo-Smith; Conner Everts; Dan Brogadir, Black & Veatch; David O'Dear, WM Lyles; Dave Rossetti, Carollo Engineers; Eileen Idica, Trussell Technologies; Eric Gilmore, Carollo Engineers; Gabriela Dow, NV5; Gerard Braun; Gust Soteropulos; Jason Danks, Orion Construction; Jerry Jones; Jim Gilpin, BBK; Jim McNeill; Joe Lawrence, WM Lyles; John Earl, Surf City Voice; John Maxon, Business Development Executive; Joshua Smith, San Diego Union Tribune; Judy Abbott; Julia Richards, San Diego Regional Conservancy; Justin Ryan, Santee resident; Kelley Gage, San Diego County Water Authority; Katie Keach, City of San Diego; Kyle Hamilton, Nossaman; Lani Lutar, Responsible Solutions; Lorna Abbott; Luciana Pereyra, Trussell Technologies; MacKenzie Elmer; Mark Dowsing; Mark Elliott, Jacob; Matt Cain, WM Lyles; Melissa Ables, City of San Diego; Mike Allen; Nadia Hardjadinata, Metropolitan Water District; Philip Waterman, Southern Contracting; Rachel Kulis, NV5; Rebecca Carlisle, Santee resident; Rebecca Cole, NV5; Robert Erdmann, Bay City Boiler; Steve Beck, Mater Dei Catholic High School; Sydney McDonald; Tanya Castaneda, PRM Consulting; Tom Falk, CDM Smith; Tracy Abundez, Metropolitan Water District; Walter Tulloch; Willie Farmer, Carollo, Ken Wienberg, Water Resources Consulting LLC

**1. AUTHORIZATION FOR REMOTE TELECONFERENCE PUBLIC MEETINGS IN ACCORDANCE WITH ASSEMBLY BILL 361**

On motion of Director Caires, seconded by Director Anderson, and unanimously carried by roll call vote, the Board approved the following:

1. Made findings pursuant to Government Code section 54953(e)(3) that the Board of Directors has reconsidered the circumstances of the Governor's Proclamation of a State of Emergency, that the State of Emergency remains in effect, and that state and local officials continue to impose or recommend social distancing due to COVID, and authorized remote teleconference meetings for the East County AWP JPA's legislative body pursuant to Brown Act provisions enacted by AB 361.
2. Made additional, alternative findings pursuant to Government Code section 54953(e)(1)(A) that the Governor has proclaimed a State of Emergency and state or local officials have imposed or recommended measures to promote social distancing, and authorized remote teleconference meetings for the East County AWP JPA's legislative body pursuant to Brown Act provisions enacted by AB 361.

**OPPORTUNITY FOR PUBLIC COMMENT**

Suzanne Till, Padre Dam Board Member and Santee resident, spoke in support of the AWP Project and requested the public hearing to consider adopting a resolution of necessity for the acquisition of real property and easements (Item 5) be moved to a later time in the evening for members of the public to participate.

Amy Pederson, Board Secretary, read written public comments from Teresa Leader-Anderson, Lakeside resident and Bonnie Price, Spring Valley resident, in support of the AWP project.

Conner Everts, Southern California Watershed Alliance, spoke in support of the AWP project.

**ITEMS TO BE ADDED, WITHDRAWN, OR REORDERED ON THE AGENDA**

There were no items to be added, withdrawn, or reordered at this time.

- **CLOSED SESSION**

At any time during the regular session, the Board may adjourn to closed session to consider litigation, or discuss with Legal Counsel matters within the attorney-client privilege, subject to the appropriate disclosures.

**2. CLOSED SESSION**

At 2:10 pm, the Board recessed to convene in closed session to discuss the following:

**A. CONFERENCE WITH LEGAL COUNSEL—ANTICIPATED LITIGATION**

Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Section 54956.9:

One potential case

The meeting reconvened in open session at 2:24 pm and Nicholas Norvell, Legal Counsel reported no reportable action was taken in closed session.

**3. APPROVAL OF MINUTES**

On motion of Director Anderson, seconded by Director Caires, and unanimously carried by roll call vote, the minutes of the April 5, 2022 Regular Board Meeting were approved as submitted.

- **CONSENT AGENDA**

Items are considered to be routine and will be acted upon by a single motion without discussion, unless a Board member, staff, or the public request a specific item be removed from the consent agenda for discussion.

**4. AMENDMENTS TO THE EAST COUNTY AWP JOINT POWERS AUTHORITY (JPA) POLICIES AND PROCEDURES, ESTABLISHING A NEW SCHEDULE FOR ITS REGULAR MEETINGS**

On motion of Director Caires, seconded by Director Anderson, and unanimously carried by roll call vote, the Board adopted Resolution 2022-07 amending the JPA's policies establishing a new schedule for its regular meeting to be held monthly on the third Thursday of each month at 2:00 pm and delegating authority to the JPA's Administrator to cancel the monthly meetings, provided that meetings are held at least quarterly at 2:00 pm in the months of February, May, August and November.

- **ACTION AGENDA**

Items on the Action Agenda call for discussion and action by the Board. All items are placed on the Agenda so that the Board may discuss and take action on the item if the Board is so inclined.

**5. CONSIDER ADOPTING A RESOLUTION OF NECESSITY FOR THE ACQUISITION OF REAL PROPERTY AND EASEMENTS**

Nicholas Norvell, General Counsel, summarized the legal requirements for adopting a resolution of necessity, provided an overview of the AWP project and its benefits, and reviewed the property and easements needed to complete the project, stating the proposed use of the property is to reconstruct, install, operate, maintain, repair, replace and rehabilitate various conveyance facilities related to the AWP Project. He provided background information on the negotiations process between the City of San Diego and the JPA resulting in the Purchase Agreement approved by the JPA Board on November 18, 2021 and stated City staff indicated the Agreement would go before the San Diego City Council for approval in December, however the City has not provided an updated

copy of the Purchase Agreement despite multiple requests and inquires. He summarized additional communications between November 2021 and May 2022 attempting to advance the Purchase Agreement including an offer letter sent to the City on May 4, 2022 pursuant to California Code section 7267.2 requesting a written response on or before May 12, 2022 to no avail.

At 2:42 pm Chair Goble opened the public hearing to receive comments.

Dustin Trotter, City of Santee Councilmember, spoke in support of the Project.

Jay Goldstone, CFO for the City of San Diego, explained the City's concerns with the Residuals Agreement associated with the Purchase Agreement and alleged impacts on the City's Pure Water program and requested the JPA consider renegotiating the residuals agreement and cease eminent domain actions against the City.

Mr. Goldstone answered Board member questions and discussion ensued regarding each parties' position on the Purchase Agreement. Mr. Norvell clarified the District is not obligated to file litigation if the resolution of necessity is approved and does provide time for the parties to further negotiate and work toward a resolution. Allen Carlisle, General Manager, expressed the JPA is interested in negotiating.

Chair Goble inquired if there were any other public comments; there being none, he closed the public hearing at 3:17 pm.

On motion of Director Caires, seconded by Director Anderson, and unanimously carried by roll call vote, the Board adopted Resolution 2022-08 finding that the public interest and necessity require the acquisition of real property generally identified as Assessor's Parcel Numbers (APN) 383-080-05, -03 (portion), and -04 (portion), including related improvements, a nearby 174-foot long, 48-inch diameter gravity sewer pipe, permanent easements on portions of APNs 383-080-03 and -04 and temporary construction easements on portions of APNs 383-080-03 and -04 for the East County Advanced Water Purification (AWP) Project.

**6. AMENDMENT OF THE PROGRESSIVE DESIGN-BUILD (PDB) AGREEMENTS FOR PACKAGES 1, 2, & 3 OF THE EAST COUNTY ADVANCED WATER PURIFICATION (AWP) PROJECT TO PERFORM THE PHASE 2 ACTIVITIES (FINAL DESIGN AND CONSTRUCTION) FOR THE NEGOTIATED AND AGREED UPON SCOPE OF WORK (PHASE 2), PROJECT SCHEDULE, AND FIXED LUMP SUM PRICE**

Kyle Swanson, Director of AWP, provided background information and an overview of each of the four packages of the Project, and reviewed the Project cost, funding sources and milestones, stating the total Project cost up to commercial operations is \$950 million of which \$796 million has been secured through low interest loans and \$123 million from grants and incentives.

Ken Weinberg, Consultant, provided an update on the financial analysis for the Project stating the analysis spans over the life of the project and highlighted key variables including avoided cost from the City of San Diego's Metro Wastewater System and San Diego County Water Authority (CWA) rate increases.

Mark Niemiec, Director of AWP, reviewed frequently asked questions and answers highlighting the Project will avoid costs from wastewater treatment and imported water, improve water reliability and explained the alternative to not progressing the Project is to stay status quo

subjecting the customers to imported water rates and unreliability. He reviewed additional frequent questions and answers explaining the Project's overall contingency is five percent which is about \$30 million and during negotiations, Design-Builders locked in costs to purchase materials for a 90 day period to ensure materials are available, cost effective and avoid delays in the project schedule. In closing, he reviewed the Project schedule showing previous accomplishments and next steps including finalizing design and moving into the construction phase (Phase 2) upon today's approval, as well as ongoing community outreach regarding Project related construction.

Stephen Houlahan, Santee resident, spoke in support of the Project and the JPA's decision to approve Action Item 5 above.

On motion of Director Anderson, seconded by Director Caires, and unanimously carried by roll call vote, the Board approved the following:

1. Adopted Resolution 2022-09 to allow each Design-Builder (DB) to identify and contract with Subcontractors who are not included in the Phase 1 or Phase 2 Proposal.
2. Adopted Resolutions 2022-10, 2022-11 & 2022-12 to accomplish each of the following:
  - a. Approved the form of the Phase 2 Amendments constituted by the following "Agreements", subject to non-substantial changes, correction of errors or inconsistencies and changes to comply with state or federal legal requirements or funding conditions and completion of the Agreement Exhibits to reflect agreed aspects of each PDB's Phase 2 Proposal as reviewed and approved by the East County AWP Joint Powers Authority (JPA) Administrator (Administrator) and the JPA's legal counsel:
    - i. Amended and restated PDB Agreement (Package 1 Agreement) between the East County AWP JPA and AECOM & WML IV, a Joint Venture (Package 1 DB), to design, construct, and provide operations services and training for Package 1 of the Project, consisting of the Water Recycling Facility, Advanced Water Purification Facility, Visitor Center, Product Water Pump Station, Solids Handling Facilities, and Extended Facility Commissioning
    - ii. Amended and restated PDB Agreement (Package 2 Agreement) between the East County AWP JPA and Orion Construction Corporation (Package 2 DB), to design and construct Package 2 of the Project, consisting of the Advanced Water Purification Pipeline, Dechlorination Facility, Lake Jennings Reservoir Inlet, and Water Feature; and
    - iii. Amended and restated PDB Agreement (Package 3 Agreement) between the East County AWP JPA and AECOM & WML VI, a Joint Venture (Package 3 DB), to design and construct Package 3 of the Project, consisting of rehabilitating and upgrading the Influent Pump Station (IPS) and East Mission Gorge Pump Station (EMGPS), new Water Recycling Facility Force Main (WRFFM), and new Residuals Bypass System
  - b. Subject to each of the Package 1 DB, Package 2 DB, and Package 3 DB's execution of the applicable Agreements and satisfaction of required conditions precedent under the Agreement, authorized the Administrator's CEO/General Manager to execute the applicable Agreements on behalf of the JPA generally in the form approved above and with the Exhibits on file with the Administrator;
  - c. Authorized the Administrator to issue an initial notice to proceed (NTP 1) for Phase 2 for:
    - i. Phase 2 of Package 1 to the Package 1 DB (excluding any construction work on the Pond C Site) for a fixed lump sum of \$460,084,309 as provided in the Package 1 Agreement;



- ii. Phase 2 of Package 2 to the Package 2 DB (excluding any construction work related to minor project modifications being environmentally evaluated) for a fixed lump sum of \$51,919,739 as provided in the Package 2 Agreement;
  - iii. Phase 2 of Package 3 to the Package 3 DB (excluding any construction work related to minor project modifications being environmentally evaluated) for a fixed lump sum of \$83,716,513 as provided in the Package 3 Agreement;
- subject to the requirements for NTP 1 being satisfied by DB and approved by the JPA Administrator. A further NTP (NTP 2) for Phase 2 will be required for construction work on the Pond C Site for Package 1 and construction work for Packages 2 and 3 on those areas with minor modifications that are being environmentally evaluated following the JPA Board's Approval of the Final Subsequent Initial Study/Mitigated Negative Declaration (Subsequent IS/MND) at the August 2022 Board Meeting. The decision to approve the Subsequent IS/MND and NTP 2 is within sole discretion of the JPA and is not proposed for action at this time;
- d. Authorized the Administrator to take such further actions and execute such further documents as are necessary to accomplish the purposes of said resolutions and Agreements.

**7. PROFESSIONAL SERVICE AGREEMENTS AND AMENDMENTS TO EXISTING PROFESSIONAL SERVICE AGREEMENTS FOR WORK PERFORMED FOR PHASE 2 OF THE EAST COUNTY AWP PROJECT**

Mark Niemiec, Director of AWP, summarized the Project implementation process, reviewed consulting services needed and the RFP process.

On motion of Director Caires, seconded by Director Anderson, and unanimously carried by roll call vote, the Board approved the following:

1. Authorized the Administrator, on behalf of the JPA, to execute professional services agreements and amendments to existing professional service agreements (contracts) in support of Phase 2 activities for the East County AWP Project:
  - a) Carollo Engineers, Inc. for Owner Advisor Services in the not-to-exceed (NTE) amount of \$36,849,992 through fiscal year (FY) 2026.
  - b) Trussell Technologies for Permit Support Services in the NTE amount of \$6,691,272 through FY 2027.
  - c) Nossaman, LLP for Specialty Legal Services in the NTE amount of \$3,884,442 through FY 2026.
  - d) NV5, Inc. for Public Relations and Outreach in the NTE amount of \$1,529,000 through FY 2026.
  - e) Tanner Pacific Inc. in the NTE amount of \$1,930,528 through FY 2026.
  - f) TAS Consulting in the NTE amount of \$1,233,330 through FY 2026.
  - g) Ken Weinberg Water Resources Consulting LLC in the NTE amount of \$168,000 through FY 2023.
  - h) Nexinite, LLC in the NTE amount of \$1,003,056 through FY 2026.
  - i) Clean Energy Capital (CEC) for Financial Services in the NTE amount of \$550,000 through FY 2026.
2. Authorized a total contingency of \$750,000 for the Administrator to modify the contracts identified above to support unforeseen changes during Phase 2 activities.

**8. EAST COUNTY ADVANCED WATER PURIFICATION FY '23 BUDGET AND FY '23-'26 CAPITAL IMPROVEMENT BUDGET**

Karen Jassoy, Director of Finance for Padre Dam, shared graphs showing the JPA is below the approved budget, a breakdown of costs spent and forecasted spending, and the estimated overall project costs up to commercial operation totaling \$950 million.

Director Goble recognized Ms. Jassoy and her staff for negotiating exceptionally low interest rates resulting in an estimated savings of \$423 million to ratepayers.

On motion of Director Anderson, seconded by Director Caires, and unanimously carried by roll call vote, the Board adopted the FY '23 Proposed Operating Budget, which covers the term July 1, 2022 through June 30, 2023 (FY '23), and the FY '23-'26 Capital Improvement Budget.

● **REPORTS**

The following items are reports and are placed on the Agenda to provide information to the Board and the public. There is no action called for on these items. The Board may engage in discussion upon which a specific subject matter is identified but may not take any action other than to place the matter on a future agenda.

**9. ADMINISTRATOR REPORT**

Allen Carlisle thanked the Board, project partners and the design-builders for their roles in moving the East County AWP Project to the construction phase.

**10. INFORMATIONAL REPORT**

The following report was noted and filed:

A. East County AWP Executive Overview Report

● **DIRECTORS COMMENTS**

Directors' comments are to be related to business of the JPA which may be of interest to the Board. They are placed on the agenda to enable individual members of the JPA to convey information to the Board and the Public. There is to be no discussion or action taken on comments made by Board Members.

Director Anderson and Caires recognized staff for a job well done.

Director Goble recognized former Directors Kendrick and Jacob for their role in moving the Project forward.

● **ADJOURNMENT**

Chair Goble declared the meeting adjourned at 4:10 pm.

ATTEST:

\_\_\_\_\_  
Board Secretary

\_\_\_\_\_  
Board Chair



## BOARD AGENDA REPORT

**Meeting Date:** 06-16-2022

**Submitted by:** Amy Pederson, Board Secretary

**Subject:** Authorization For Remote Teleconference Public Meetings In Accordance With Assembly Bill 361

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**Recommendation(s):**

1. Make findings pursuant to Government Code section 54953(e)(3) that the Board of Directors has reconsidered the circumstances of the Governor's Proclamation of a State of Emergency, that the State of Emergency remains in effect, and that state and local officials continue to impose or recommend social distancing due to COVID, and authorize remote teleconference meetings for the East County AWP JPA's legislative body pursuant to Brown Act provisions enacted by AB 361.
2. Make additional, alternative findings pursuant to Government Code section 54953(e)(1)(A) that the Governor has proclaimed a State of Emergency and state or local officials have imposed or recommended measures to promote social distancing, and authorize remote teleconference meetings for the East County AWP JPA's legislative body pursuant to Brown Act provisions enacted by AB 361.

**Alternative(s):**

None recommended. If the Board does not make findings, the JPA would be required to adhere to previous Brown Act provisions that require providing the address of each teleconference location on the agenda and posting the agenda at each publicly accessible teleconference site.

**Attachment(s):**

None

**Funding:**

Requested amount: n/a

Funding source:

**Project Goals:** The East County Advanced Water Purification Program is a regional water and wastewater solution. This Program is a collaborative partnership between Padre Dam Municipal Water District, County of San Diego, the City of El Cajon and Helix Water District. It will create a new, local, sustainable and drought proof drinking water supply using state-of-the-art technology to purify recycled water and diversify East County's water supply while reducing our dependence on imported water. This Program will provide up to 30 percent of East County's drinking water demands while reducing wastewater discharge into the ocean.

<b>Reviewed by:</b>		<b>Action Required:</b>	
Padre Dam GM	<input checked="" type="checkbox"/>	Motion	<input checked="" type="checkbox"/>
Finance	<input type="checkbox"/>	Resolution	<input type="checkbox"/>
Legal Counsel	<input checked="" type="checkbox"/>	Ordinance	<input type="checkbox"/>
Standard Form	<input type="checkbox"/>	None	<input type="checkbox"/>

**Executive Summary:**

To continue to allow virtual or hybrid (virtual and in person) public meetings without the need to comply with the Brown Act's "pre-pandemic" teleconferencing requirements the Board must comply with provisions of AB 361 which include adopting findings 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.

Currently the COVID-19 State of Emergency remains in effect, and state and local health officials continue to recommend or require social distancing. Such state and local recommendations or requirements include, but are not limited to, the "Health Officer Teleconferencing Recommendation," executed by San Diego County Public Health Officer Wilma Wooten, dated September 23, 2021. Therefore, it is recommended that the Board make the required findings and authorize remote teleconference meetings for the JPA's legislative bodies pursuant to Brown Act provisions enacted by AB 361.

**Description:**

As the COVID-19 pandemic has evolved, so has the legislation governing public meetings subject to the Brown Act. Assembly Bill (AB) 361 was passed and, effective October 1, 2021, amended the Brown Act to allow public agencies the flexibility to continue conducting virtual/remote meetings during a gubernatorial proclaimed state of emergency, without the need to comply with all of the "pre-pandemic" teleconferencing requirements, so long as the following conditions are met:

- The agenda must include the meeting link or dial-in for public access.
- Members of the public must be allowed to address the Board in real-time during the meeting.
- Public comments can no longer be required to be submitted in advance.
- If technical problems arise that result in the public's access being disrupted, the legislative body may not take any vote or other official action until the technical disruption is corrected and public access is restored.
- The governing body must adopt findings within 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.

The provisions enacted by AB 361 providing flexibility to meet remotely during a proclaimed emergency will sunset on January 1, 2024.

Currently the Governor-declared State of Emergency remains in effect, and due to continued threats to health and safety posed by indoor meetings/gatherings, state and local health officials continue to recommend or require social distancing. Therefore, it is recommended the Board make findings that the Governor-declared State of Emergency remains in effect and state and local officials continue to impose or recommend social distancing, and authorize remote teleconference meetings for the JPA's legislative body pursuant to Brown Act provisions enacted by AB 361.

**Recommendation(s):**

1. Make findings pursuant to Government Code section 54953(e)(3) that the Board of Directors has reconsidered the circumstances of the Governor's Proclamation of a State of Emergency, that the State of Emergency remains in effect, and that state and local officials continue to impose or recommend social distancing due to COVID, and authorize remote teleconference meetings for the East County AWP JPA's legislative body pursuant to Brown Act provisions enacted by AB 361.
2. Make additional, alternative findings pursuant to Government Code section 54953(e)(1)(A) that the Governor has proclaimed a State of Emergency and state or local officials have imposed or recommended measures to promote social distancing, and authorize remote teleconference meetings for the East County AWP JPA's legislative body pursuant to Brown Act provisions enacted by AB 361.