



**MINUTES OF THE REGULAR MEETING OF THE
JOINT POWERS AUTHORITY BOARD OF DIRECTORS
HELD ON THURSDAY, MAY 21, 2020**

The regular board meeting of the East County Advanced Water Purification (AWP) Joint Powers Authority (JPA) was held on Thursday, May 21, 2020, electronically pursuant to Brown Act waivers provided under the Governor's Executive Orders.

Chair Kendrick called the meeting to order at 2:00 pm and read a statement explaining as a result to COVID-19 State of Emergency all Board Members are participating by videoconference and members of the public were invited to watch the online video conference or listen telephonically. Notice was also provided that members of the public could submit public comments or comments on a specific agenda item via mail or email to the Board Secretary to be read during the meeting at the appropriate time. Upon roll call, the following members were present: Caires, Jacob, Kendrick and Scalzitti (Ex Officio Member).

Members absent: None

Padre Dam MWD (Administrator) Attendees: Allen Carlisle, CEO/General Manager; Kyle Swanson, Director of Operations (AWP); Mark Niemiec, Director of Engineering; Karen Jassoy, CFO/Director of Finance; Amy Pederson, Board Secretary; Melissa McChesney, Communications Manager; Seval Sen, Engineering Manager; Nicholaus Norvell, Legal Counsel; Paul Clarke, Director of Operations & Water Quality; Doug Wilson, Board Member

County of San Diego Attendees: Bill Morgan, Deputy Director of Engineering Services; Daniel Brogadir, Public Works Manager; Taylor Dupont, Policy Advisor; Kay Kim, Unit Manager at Wastewater Management

City of El Cajon Attendees: Dirk Epperson, Director of Public Works; Yazmin Arellano, Deputy Director of Public Works

Helix Water District Attendees: Carlos Lugo, General Manager; Brian Olney, Director of Water Quality and System Operations; Jennifer Bryant, Director of Administrative Services; Kathleen Hedberg, Board Member

Others present: Ken Weinberg, Water Resources Consulting LLC; Pat Huston, Kennedy/Jenks; Tim Waters, Kennedy/Jenks; David Harrison, Kennedy/Jenks; Corey Young, Kennedy/Jenks; Lani Lutar, Public Affairs Consultant; Mark Elliott, Jacobs; Thomas Richardson, Woodard & Curran; Tom Falk, CDM Smith; Guy Vox, Kiewit; Brian Rapp, Kiewit; Josh Berezowsky, Veolia; Peter Tymkiw, Arcadis; Steven Tedesco, Tetra Tech; Jack Kubota, Hoch Consulting; Ari Elden, Hoch Consulting; Dennis La Salle; Tim Suydam, Hazen and Sawyer

OPPORTUNITY FOR PUBLIC COMMENT

There were no written public comments received.

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

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

1. APPROVAL OF MINUTES

On motion of Director Caires, seconded by Director Jacob, and unanimously carried by roll call vote, the minutes of the Regular Board Meeting of February 20, 2020 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.

2. AMENDMENT TO LEGAL SERVICES AGREEMENT WITH NOSSAMAN, LLC FOR FISCAL YEAR 2020

On motion of Director Jacob, seconded by Director Caires, and unanimously carried by roll call vote, the Board authorized the Interim Administrator's CEO/General Manager to amend the existing legal services agreement with Nossaman for fiscal year 2020 in an amount not-to-exceed \$400,000 via a reallocation of funds within the existing approved budget.

● 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.

3. APPROVAL OF THE EAST COUNTY ADVANCED WATER PURIFICATION JPA'S WATER PURCHASE AND WASTEWATER SERVICES AGREEMENTS

Kyle Swanson, Director of Operations (AWP) for Padre Dam, provided an overview and reviewed benefits of the East County AWP Program and explained the partners involved in both the Wastewater Service Agreement and the Water Purchase Agreements. Additionally, he reviewed the project details for each of the three Progressive Design-Build Procurement packages and the project timeline.

Karen Jassoy, Director of Finance, reviewed the current financial proforma model, highlighting index pricing for water produced and JPA wastewater treatment and compared the results to Metropolitan Water District's cost projections, stating based on future cost savings staff recommends moving forward with the project.

Nicholaus Norvell, Assistant General Counsel, reviewed provisions of the service agreements for the project, to include the Wastewater Service Agreement between the East County AWP JPA, City of El Cajon, County Sanitation District and Padre Dam; the Product Water and Title 22 Recycled Water Purchase Agreement between the JPA and Padre Dam; and Product Water Purchase Agreement between Helix and the JPA.

Responding to Director Jacob, Mr. Norvell confirmed if any significant changes needed to be made to the contracts staff would agendize the changes for Board approval.

On motion of Director Caires, seconded by Director Jacob, and unanimously carried by roll call vote, the Board approved the following agreements, with the understanding that the Chair will be authorized to execute the agreement with such changes as are approved by the Chair and reviewed and approved as to form by the JPA's Interim General Counsel:

1. East County AWP Wastewater Services Agreement among the East County AWP JPA, the City of El Cajon, Padre Dam Municipal Water District and the San Diego County Sanitation District
2. East County AWP Product Water Purchase Agreement with Helix Water District
3. East County AWP Product Water and Title 22 Recycled Water Purchase Agreement between East County AWP JPA and Padre Dam Municipal Water District

4. AUTHORIZATION TO RELEASE REQUEST FOR PROPOSALS (RFP) FOR OWNER'S ADVISOR SERVICES FOR THE EAST COUNTY ADVANCED WATER PURIFICATION PROJECT

Mark Niemiec, Director of Engineering for Padre Dam, defined Owner's Advisor (OA) as a consulting firm that is engaged by an owner to provide the resources necessary to support the project team in the procurement, implementation and management of the project. He reviewed the OA scope of services and schedule for hiring the OA.

On motion of Director Jacob, seconded by Director Caires, and unanimously carried by roll call vote, the Board authorized the Interim Administrator to release the Request for Proposals (RFP) for Owner's Advisor Services for the East County Advanced Water Purification Project.

5. PROGRESSIVE DESIGN-BUILD (PDB) PRESENTATION SERIES: PART 1 – DESIGN BUILD BASICS

Mr. Niemiec explained the reason PDB was chosen as the method to roll out the AWP project, as well as reviewed alternative delivery methods, other organizations that have utilized PDB and how PDB is utilized within the three packages developed for the project delivery. In closing, he reviewed next steps for the project.

Informational report only; no action was taken.

● **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.

6. INTERIM ADMINISTRATOR REPORT

Allen Carlisle, Padre Dam CEO/General Manager, reviewed the timeline for submitting an application for funding through the Local Resources Program (LRP) for the East County AWP project, stating the JPA is on schedule for submitting the application. He requested each project partner write a letter to San Diego County Water Authority and Metropolitan Water District showing their support of the project and LRP application. He expressed his appreciation for all the hard work staff put in to get the contracts finalized and approved.

7. INFORMATIONAL REPORT

The following report was noted and filed.

A. East County AWP Quarterly Financial 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.

Directors expressed their appreciation for staff's hard work.

- **ADJOURNMENT**

Chair Kendrick declared the meeting adjourned at 3:11 pm.

Chair

ATTEST:

Board Secretary