

**MINUTES OF THE
REGULAR BOARD OF DIRECTORS MEETING
OF THE
LAKE ELSINORE & SAN JACINTO WATERSHEDS AUTHORITY**

August 7, 2013

DIRECTORS PRESENT

Nancy Horton, Chair
Phil Williams
Robert Magee
Kevin Jeffries
Tom Evans

REPRESENTING

City of Canyon Lake
Elsinore Valley Municipal Water District
City of Lake Elsinore
County of Riverside
Santa Ana Watershed Project Authority

OTHERS PRESENT

Judy Guglielmana
Steve Horn
Jason Uhley
Pat Kilroy
Roger Turner
Dennis Bickers
Jean Voshall

EVMWD
County of Riverside
Riverside County Flood Control & WCD
City of Lake Elsinore
Roger Turner Assoc.
Canyon Lake
Canyon Lake

LESJWA STAFF PRESENT

Joe Aklufi, Legal Counsel
Karen Williams, CFO
Mark Norton, Authority Administrator
Dawna Munson, Board Secretary

The Regular Board of Directors meeting of the Lake Elsinore and San Jacinto Watersheds Authority was called to order at 4:10 p.m., by Chair Nancy Horton at the Elsinore Valley Municipal Water District, located at 31315 Chaney Street, Lake Elsinore, California. Chair Horton asked for roll call. A quorum was noted present with representation from all five member agencies.

Chair Horton asked if there were any comments from members of the public wishing to address the Board on matters within its jurisdiction. There were no public comments.

1.0: CONSENT CALENDAR

Chair Horton presented the Consent Calendar for review and approval.

Director Magee moved approval of the Consent Calendar excluding the 6-20-2013 Minutes, which he would like pulled for discussion. The motion was seconded by Director Williams and it unanimously carried.

2013/8-1

MOVED, approval of the Consent Calendar including the Treasurer's Reports from March and May 2013, and the Committee Status Report, excluding the 6-20-2013 Minutes for discussion.

with the following roll call vote:

Ayes: Horton, Magee, Williams, Evans, Jeffries
Noes: None
Absent: None
Abstain: None

Director Magee said he had concerns with how the 6-20-13 Minutes were prepared with regard to the third paragraph on page 3 of the Minutes, regarding Risk Sciences' scope of work for the Lake Elsinore/Canyon Lake TMDL Task Force. He had requested some language changes to the scope and believes that the motion had passed with those changes. There was no discussion of any other language and the original language moved forward, and he was not advised of anything else on the item. He asked for an explanation of why the minutes weren't prepared to reflect that.

Mark Norton said in reviewing that item and looking at the Minutes after they were prepared, there was no definitive indication that the item had passed. He spoke with legal counsel subsequent to the meeting, at which time they referenced the LESJWA JPA, section 4.4: Voting. That clause indicates that an item must have an affirmative vote of the *majority of the Board* of Directors. The Board had only three Directors present with only two voting in the affirmative, so per that JPA provision on voting, the item was not approved.

Director Magee stated it was not made clear at the time that the item did not pass. Item 4.2 of the JPA is the applicable policy and it was moved forward. As he believes the Minutes should be amended, he will not approve them how they're currently prepared with regard to that particular section. Director Williams concurred, and believed that nothing was said to the contrary that the motion failed.

Joe Aklufi clarified that the item 4.4 states that it's the majority of the Board, not the majority of the quorum. So when there are less than five members, the voting splits differently. It must be a minimum of three unanimous votes for an item to pass. Director Williams noted that this item did not constitute a project, but rather a hiring of services, and items of this nature have passed under similar circumstances. However, as the item again is on today's agenda, it may be moot at this point. He would like to discuss some alternate language that will make it more acceptable and able to move forward.

Director Magee suggested that the Board direct staff to amend the Minutes with clarification of this item.

Chair Horton called for a vote on the minutes. Directors Jeffries and Evans chose to abstain as they were not present at that meeting. Director Williams moved to table the Minutes until after Item 4.0.

Upon motion by Director Williams, seconded by Director Magee, the motion unanimously carried,

2013/8-2

MOVED, approval to table the 6-20-2013 Minutes to after Item 4.0 of the agenda, Item 4.1.

with the following roll call vote:

Ayes: Horton, Magee, Williams, Evans, Jeffries
Noes: None
Absent: None
Abstain: None

2.0: Canyon Lake Alum Application (Memo #728)

Mark Norton provided an update on the Canyon Lake alum application; it is moving forward well. The CEQA consultant advised LESJWA's preparation of a Notice of Determination (NOD). The City of Canyon Lake was the lead agency for the CEQA. The first step is this Board's ratification of the CEQA and then file a NOD to implement the alum dosing in the Lake as part of the Proposition 84 grant funded Phase 1 Canyon Lake Hybrid Treatment Project. The second step is to approve a task order with AquaTechnex, LLC for \$488,490 to implement the alum dosing. This project is proposed to address the nutrient targets for the TMDL.

He briefly reviewed the background of the RFP process, and noted that prevailing wages would be paid and a safety plan developed. All the concerns were addressed and staff believes the amount proposed is very reasonable and will save a lot of money. Failure of the measure at this time could cause significant problems such as the reduced likelihood of getting future funding from DWR. Also, failure to approve this project may result in the demise of the Lake Elsinore/Canyon Lake TMDL Task Force, as well as the potential demise of LESJWA as an entity to move projects forward, and to complete our mission as an organization. It is in the best interest of all interested parties to approve this item.

Director Magee said he would move approval with discussion. He stated that he had moved approval of this action before because it's the right thing to do—improving water quality in our basin is what this Board is supposed to be about. He wants to make the record quite clear that he had voted for this action at the last meeting, and continues to give his support. He hoped that Chair Horton could set the record straight for her Council colleagues and other concerned constituents that the City of Lake Elsinore is in support of this particular application. Chair Horton said she would be pleased to do that.

Director Williams stated he had voted no on the alum application item at the June meeting. He gave some background about when LESJWA first began in 2000 and there were some clashes between some of the Board entities and there wasn't a lot of hope for this organization then to do all the good work it has done in the past ten years. This Board's goal is to clean the lakes, as those were the tasks put forth by the State government. It still is imperative that the elected officials stand together, particularly at public meetings; otherwise, it makes EVMWD reconsider being a part of the TMDL. If everyone on this Board isn't in harmony and moving in the same direction, then this organization will deteriorate. EVMWD is very cautious, and was not confident back in June that this group was in sync on this issue, due to some comments made at a public meeting. However, it's important to put aside misgivings and move forward for the betterment of our watershed. This Board needs to show solidarity on all levels to continue the good work that it does. That's one reason why it won a collaboration award a few years ago.

Chair Horton commented that she appreciates Director Williams' comments, and called for a motion.

Upon motion by Director Magee, seconded by Director Evans, the motion unanimously carried,

2013/8-3

MOVED,

1. Approval to Ratify the June 5, 2013 CEQA approval of the canyon Lake Alum Application, and file a Notice of Determination to implement alum dosing in Canyon Lake, as part of the Proposition 84 grant funded Phase 1 – Canyon Lake Hybrid Treatment Project, and
2. Task Order No. AWQA160-01 with AquaTechnex. LLC for an amount not-to-exceed \$488,490 to implement alum dosing in Canyon Lake, as part of the Proposition 84 grant funded Phase 1 Canyon Lake Hybrid Treatment Project.

with the following roll call vote:

Ayes: Horton, Magee, Williams, Evans, Jeffries

Noes: None

Absent: None

Abstain: None

3.0: Regulatory Strategist/TMDL Compliance Support Services (Memo #729)

Mark Norton said this item is being brought back from the June Board meeting regarding the Task Order with Risk Sciences for the TMDL Compliance Support Services. He had taken the suggested revised language of Risk Sciences' scope of work back to the TMDL Task Force to allow them to reconsider the language. The issue of concern was the language on No. 2 of the scope regarding preparing and revising cost sharing and credit allocation agreements. All of the LESJWA member agency representatives were at the

meeting. After much discussion, there was a motion supported by the Task Force. The language was a pared down version and is shown on page 37 of the Board memo for Risk Sciences Scope of Work. It is “prepare and revise the cost sharing and credit allocation agreements”. It was done with the thought that it is inclusive of many opportunities for a lot of factors, including those that were raised in the sediment reduction plan that Mr. Moore prepared. There were a number of strategies in the plan that he had suggested that the parties could undertake as supplemental control strategies if not meeting the TMDLs. They include enhanced aeration systems, enhanced treatment reclaimed water, direct application of metal salts, targeted suction, dredging, constructed wetlands, active aquatic plant management, enhanced fishery, enhanced lake stabilization, and pollutant trading. In discussion of the text, it was thought it best to keep it brief and broad to give Tim Moore full latitude to work out the agreements – in the best interests of everyone. Again, these are not agreement terms or a new agreement, but simply the consultant support to move forward on an agreement, recognizing there will be discussions down the road. Tim Moore is there to assist. Staff’s recommendation is based on the motion approved by the TMDL Task Force to accept the language as proposed in Risk Sciences’ Scope of Work as prepared by and being paid for by the TMDL Task Force.

Director Williams said this language is very close to what he was going to propose, and his philosophy was going to be the same. Hire Tim Moore to negotiate for us with the State regarding the TMDLs and not have anything hold him back, to save money and make the compliance requirements. He believes the proposed wording is acceptable.

Chair Horton said that one thing the TMDL Task Force mentioned is that we don’t have clear guidelines for cost sharing. We want to make sure that we have that in place, and there’s still work to do on that. She wants Tim Moore’s help on that so that projects will be available for entities to fund them. She appreciates Director Williams’ comments.

Upon motion by Director Jeffries, seconded by Director Williams, the motion unanimously carried,

2013/8-4

MOVED, approval of Task Order No. RISK06-07 with Tim Moore of Risk Sciences for an amount not-to-exceed \$48,640 to continue support for FY 2013-14.

with the following roll call vote:

Ayes:	Horton, Magee, Williams, Evans, Jeffries
Noes:	None
Absent:	None
Abstain:	None

4.0: Canyon Lake Performance Monitoring (Memo #730)

Mark Norton said in discussions with the LEJSWA TAC, it is highly recommend that we fully understand the impacts of the alum application, by performing pre and post monitoring. We have been working closely with EVMWD staff to assure that the contractor will be monitored for quality, and that the entities funding this effort can be assured that all is done correctly. We received only one proposal in response to the RFP; MWH Americas. They have done lake monitoring for a number of years. What’s proposed is effectiveness monitoring for alum dosaging, which will be taking place for 2-1/2 years. The cost is well below the engineer’s estimate. Staff recommends approval.

Some discussion ensued about the warning system in place, safety plans in place, and the outreach that was conducted. Mark Norton noted that the processes are in place to assure safety is foremost. Chair Horton noted that there also will be a technician present where the boat loading takes place. EVMWD also will have a person present at all times.

Upon motion by Director Williams, seconded by Director Evans, the motion unanimously carried,

2013/8-5

MOVED, approval of Task Order No. MWD160-01 with MWH Americas, Inc. for an amount not-to-exceed \$94,650 to conduct effectiveness monitoring for the alum dosing in Canyon Lake, as part of the Phase 1 – Canyon Lake Hybrid Treatment Project.

with the following roll call vote:

Ayes: Horton, Magee, Williams, Evans, Jeffries
Noes: None
Absent: None
Abstain: None

4.1 Minutes

Discussion continued as to how to best address the issue of the June meeting Minutes and whether or not the Minutes should be approved. Joe Aklufi noted that it would be best if they could be approved, but it is not detrimental if they are not.

Director Williams moved approval of the Minutes with the exception of page 3, paragraph 3. Director Magee said he would second the motion with discussion.

Upon motion by Director Williams, seconded by Director Magee:

2013/8-6

MOVED, approval of the minutes with the exception of page 3, paragraph 3, upon discussion.

Director Magee stated that there was no discussion during the meeting that the motion had failed; it is our job to be transparent. He further stated that he would like to move that the Minutes be amended to reflect what actually happened—that the motion passed. If staff wishes to place a type of disclaimer or clarifying paragraph about conferring with legal counsel after the meeting, then that would be acceptable. Further discussion of ideas ensued to address this item to everyone’s satisfaction.

Director Williams withdrew his motion and suggested leaving the June Minutes as unapproved.

Director Magee said he thinks it would be best to continue with the June meeting Minutes, and for staff to bring back a revision of that particular section to approve at the next meeting.

Upon motion by Director Magee, seconded by Director Jeffries, the motion unanimously carried,

2013/8-7

MOVED, approval to direct staff to prepare a revision of the 6-20-2013 Minutes, page 3, paragraph 3 regarding the Scope of Work for Risk Sciences, to bring back to the next Board meeting for approval.

with the following roll call vote:

Ayes: Horton, Magee, Williams, Evans, Jeffries
Noes: None
Absent: None
Abstain: None

5.0: ADMINISTRATOR'S COMMENTS

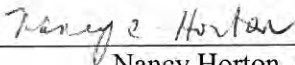
Mark Norton reported that we anticipate hearing from the DWR this fall about approval of the grant. Our sense is very optimistic. With the low bid, the cost should be covered. This will be a huge cost savings if our efforts are successful. Also, there will be a third round of funding that may be available. The DWR announced that it will release the guidelines for that in the summer of 2014. It could be another opportunity.

6.0: DIRECTORS' COMMENTS

Director Williams said he would like the Board to consider for a future meeting having the Chair set up a type of committee to hammer out the issue of what carries as a motion and what constitutes a quorum for this Board. The committee should develop some clarifying language that all five members agree to so that this doesn't occur in the future. Chair Horton said it will be agendaized for the next meeting. Director Jeffries suggested that staff prepare a clarifying draft to circulate to the Board and bring it to the next meeting. Director Williams concurred.

As there was no further business, Chair Horton adjourned the meeting at 5:08 p.m.

APPROVED: February 20, 2014



Nancy Horton, Chair