



**SAWPA COMMISSION
REGULAR MEETING MINUTES
DECEMBER 6, 2022**

COMMISSIONERS PRESENT

Marco Tule, Chair, Inland Empire Utilities Agency
Bruce Whitaker, Vice Chair, Orange County Water District
June D. Hayes, San Bernardino Valley Municipal Water District
David J. Slawson, Eastern Municipal Water District
Brenda Dennstedt, Alternate, Western Municipal Water District

COMMISSIONERS ABSENT

Mike Gardner, Western Municipal Water District

**ALTERNATE COMMISSIONERS
PRESENT; NON-VOTING**

Kelly Rowe, Orange County Water District
T. Milford Harrison, San Bernardino Valley Municipal Water District

STAFF PRESENT

Jeff Mosher, Karen Williams, Mark Norton, Edina Goode, Rick Whetsel, Ian Achimore; Marie Jauregui, Sara Villa, Zyanya Ramirez, Dean Unger, Pete Vitt; John Leete, Alison Lewis

OTHERS PRESENT

Andrew Turner, Lagerlof, LLP; Joe Mouawad, Eastern Municipal Water District; Nick Kanetis, Eastern Municipal Water District; Shivaji Deshmukh, Inland Empire Utilities Agency; Ruben Valdez, Inland Empire Utilities Agency; Kevin O'Toole, Orange County Water District; Robert Enis, Orange County Water District; Adeenle Ojo, San Bernardino Valley Municipal Water District; Ryan Shaw, Western Municipal Water District; Mallory Gandara, Western Municipal Water District; Michael Markus, Western Municipal Water District; Wayne Miller, Yorba Linda Water District; Jonathan Barger, Accent Computer Solutions

The Regular Meeting of the Santa Ana Watershed Project Authority Commission was called to order at 9:30 a.m. by Chair Marco Tule on behalf of the Santa Ana Watershed Project Authority, 11615 Sterling Avenue, Riverside, California.

1. CALL TO ORDER

Pursuant to the provisions of AB 361, this meeting was conducted virtually, and all votes were taken by oral roll call.

2. ROLL CALL

An oral roll call was duly noted and recorded by the Clerk of the Board.

3. PUBLIC COMMENTS

There were no public comments; there were no public comments received via email.

4. ITEMS TO BE ADDED OR DELETED

Jeff Mosher requested Agenda Item No. 7.B be removed from the agenda and deferring it a future meeting due to staff being out ill.

MOVED, to remove Agenda Item No. 7.B from the Agenda.

Result: Adopted by Roll Call Vote
Motion/Second: Dennstedt/Slawson
Ayes: Dennstedt, Hayes, Slawson, Tule
Nays: None
Abstentions: None
Absent: Whitaker

5. CONSENT CALENDAR

A. APPROVAL OF MEETING MINUTES: OCTOBER 18, 2022

Recommendation: Approve as posted.

B. TREASURER'S REPORT: SEPTEMBER 2022

Recommendation: Approve as posted.

C. TREASURER'S REPORT: OCTOBER 2022

Recommendation: Approve as posted.

D. RESOLUTION ON CONTINUATION OF REMOTE COMMISSION AND COMMITTEE MEETINGS (CM#2022.74)

Recommendation: Adopt Resolution No. 2022-18 Proclaiming A State of Emergency Persists, Re-Ratifying the Proclamation of a State of Emergency by Governor Gavin Newsom, and Re-Authorizing Remote Teleconference Meetings of all Commission and Committee meetings of the Santa Ana Watershed Project Authority for the period of December 6, 2022, to January 5, 2023, pursuant to Brown Act Provisions.

E. PROPOSITION 1 ROUND 2 INTEGRATED REGIONAL WATER MANAGEMENT RESOLUTION 2022-17 (CM#2022.75)

Presenter: Ian Achimore

Recommendation: To adopt SAWPA Resolution 2022-17 to Submit the Final Grant Application to the Department of Water Resources.

MOVED, to approve the Consent Calendar as posted.

Result:	Adopted by Roll Call Vote
Motion/Second:	Slawson/Hayes
Ayes:	Dennstedt, Hayes, Slawson, Tule, Whitaker
Nays:	None
Abstentions:	Dennstedt (Abstained Agenda Item 5.A.)
Absent:	None

6. SPECIAL COMMENDATIONS

A. RECOGNITION OF YEARS OF SERVICE

Jeff Mosher commended SAWPA's Senior GIS Project Manager, Pete Vitt and recognized his 25 years of service, and SAWPA's Senior Watershed Manager, Rick Whetsel for 20 years. Commissioner Dennstedt congratulated both Mr. Vitt and Mr. Whetsel on their years of success and loyalty to SAWPA.

7. NEW BUSINESS

A. INFORMATION TECHNOLOGY SERVICES CONSULTANT (CM#2022.76)

Dean Unger provided a presentation on the Information Technology (IT) Services Proposal Selection, contained in the agenda packet on pages 47-56. On October 18, 2022, SAWPA staff issued a Request for Proposals (RFP) for the Information Technology Services. Six (6) proposals were received on November 21, 2022, thru PlanetBids from the following firms:

- Accent Computer Solutions
- Acorn Technology Services
- Apex Technology Services
- Tech Masters Computer Services
- Technijian
- Trinus Corporation

Two (2) of the six (6) proposals received were disqualified due to no costs included. A selection committee consisting of retired IT Director from Western Municipal Water District,

and SAWPA staff reviewed the proposals and interviewed the top three (3) proposing firms on November 28, 2022. The firms were scored on criteria (project understanding, technical approach, relevant qualifications, experience, level of effort, costs, and references).

Based on the RFP criteria, Accent Computer Solutions received the highest total score and unanimous consensus from the selection committee as the most qualified firm to perform the work. During the interview process, each firm was asked for their annual percentage increase over the four-year term. The fee proposals are as follows:

Firm	Monthly Fee Proposal
Accent Computer Solutions	\$5,892.50
Acorn Technology Services	\$8,592.00
Apex Technology Services	\$8,750.00

Commissioner Hayes asked if SAWPA has done any external mock fishing attempts. Mr. Unger noted that mock fishing was included in the RFP. There will be penetration tests done to determine if there are any vulnerability in the system. Commissioner Dennstedt referred to page 55 of the agenda packet and asked what the line item was for "Support for 1 Board Member". Mr. Unger noted that it is a fallback position if on an occasion a PC is lend out to a commissioner and any issues come up and needs fixing. Jonathan Barger of Accent Computer Solutions thanked the Commission and SAWPA staff and noted they are happy to continue their services with SAWPA. Commissioner Dennstedt thanked Mr. Barger for their continued service to SAWPA and providing a competitive bid.

MOVED, to authorize the General Manager to execute General Services Agreement and Task Order No. ACS100-26 with Accent Computer Solutions, Inc. for an amount not to exceed \$288,000.00 for a 48-month period (1/1/2023-12/31/2026) to provide Information Technology Services, with an option to add a 12-month extension to the end of this agreement.

Result:	Adopted by Roll Call Vote
Motion/Second:	Hayes/Dennstedt
Ayes:	Dennstedt, Hayes, Slawson, Tule, Whitaker
Nays:	None
Abstentions:	None
Absent:	None

B. SAWPA RESERVE POLICY (CM#2022.77)

Agenda Item No. 7.B was removed by staff from the agenda.

8. INFORMATIONAL REPORTS

Recommendation: Receive for Information.

A. ASSEMBLY BILL 2449 (BLANCA RUBIO)

Andrew D. Turner, Lagerlof referenced the memorandum contained in the agenda packet on pages 141-144. Mr. Turner noted that there are important things to discuss, the first item is Board Members can participate remotely without complying with the traditional and still existing Brown Act requirements with respect to remote participation under very specific circumstances. AB 2449 does not repeal AB 361. AB 361 is not repealed until January 1, 2024, unless the Governor or the County Health officials determine that no health emergency exists. AB 2449 is intended to apply in certain limited circumstances to allow local agencies to conduct teleconference meetings without having to comply with the existing Brown Act requirements when some directors are not able to participate in person for permissible reasons as set forth in the new law. Thus, in those settings, a local agency will not have to post agendas at all teleconference locations, will not be obligated to

identify all teleconference locations in the meeting agendas, and will not need to make each teleconference location open to the public. Board members are individually tasked with observing certain requirements before they can participate in a Board meeting remotely under AB 2449. It is incumbent upon the individual board members to follow the requirements laid out in the bill. Except for a few overlapping obligations, those requirements differ based on whether the member's remote participation is arising out of a "just cause" or "emergency circumstances," as shown in the table below:

"Just Cause"	"Emergency Circumstances"
<p>✓ The member notifies the legislative body at the earliest opportunity possible (including at the start of a regular meeting) of their need to participate remotely for "just cause," including a general description (typically not exceeding 20 words) of the circumstances relating to their need to appear remotely at the given meeting.</p> <p>Remote participation for "just cause" reasons cannot be utilized by any Board member for more than two meetings per calendar year.</p> <p>"Just cause" means any of the following:</p> <p>A childcare or caregiving need of a child, parent, grandparent, grandchild, sibling, spouse, or domestic partner that requires them to participate remotely</p> <ul style="list-style-type: none"> • A contagious illness that prevents a member from attending in person • A need related to a physical or mental disability not otherwise accommodated • Travel while on official business of the legislative body or another state or local agency 	<p>✓ The member requests the legislative body to allow them to participate in the meeting remotely due to "emergency circumstances" and the legislative body takes action to approve the request. The member must make this request to participate remotely at a meeting as soon as possible. The legislative body must request a general description (typically not exceeding 20 words) of the circumstances relating to the requesting member's need to appear remotely at the given meeting.</p> <p>✓ The member must make a separate request for each meeting in which they seek to participate remotely.</p> <p>The general description of the circumstances does not require the member to disclose any medical diagnosis or disability, or any personal medical information that is already exempt under existing law, such as the Confidentiality of Medical Information Act.</p> <p>The legislative body may take action on a request to participate remotely at the earliest opportunity. If the request does not allow sufficient time to place proposed action on such a request on the posted agenda for the meeting for which the request is made, the legislative body may take action at the beginning of the meeting in accordance with <u>existing law</u>.</p> <p>"Emergency circumstances" means a physical or family medical emergency that prevents a member from attending in person.</p>
<p>✓ The member must publicly disclose at the meeting, before any action is taken, whether any other individuals 18 years of age or older are present in the room at the remote location with the member, and the general nature of the member's relationship with any such individual(s).</p> <p>✓ The member must participate through <i>both</i> audio and visual technology (thus, the member's camera must be on!).</p> <p>Under neither case ("just cause"/"emergency circumstances") do AB 2449's provisions permit any member of a legislative body to participate in meetings of the legislative body solely by teleconference from a remote location for a period of:</p> <ul style="list-style-type: none"> • more than three consecutive months or 20 percent of the regular meetings for the local agency within a calendar year, <i>or</i> • more than two meetings <i>if the legislative body regularly meets fewer than 10 times per calendar year</i> 	

Commissioner Dennstedt asked what the maximum number of meetings that you are allowed to participate remotely under AB 2449 with the camera requirement. Mr. Turner said two (2) if you meet less than 10 times a year, 10 or less otherwise it is up to 20% of the times you meet. Commissioner Hayes noted that there are several ways to participate in meetings; we can all be in-person and meet, we can continue to participate remotely with AB 361 until the "State of Emergency" is lifted, and under the old Brown Act if there is an instance of a board member going away on vacation, the Agenda has to be posted 72 hours for the public at the specific vacation location.

B. CHAIR'S COMMENTS/REPORT

There were no Chair comments.

C. COMMISSIONERS' COMMENTS

There were no Commissioners' comments.

D. COMMISSIONERS' REQUEST FOR FUTURE AGENDA ITEMS

There were no requests for future agenda items.

9. CLOSED SESSION

There was no closed session.

10. ADJOURNMENT

There being no further business for review, Chair Marco Tule adjourned the meeting at 10:06 a.m.

Approved at a Regular Meeting of the Santa Ana Watershed Project Authority Commission on Tuesday, December 20, 2022.

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Marco Tule, Chair

Attest:

DocuSigned by:



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Sara Villa, Clerk of the Board