

SAN ELIJO JOINT POWERS AUTHORITY  
MINUTES OF THE BOARD MEETING  
HELD ON DECEMBER 14, 2009  
AT THE  
SAN ELIJO WATER RECLAMATION FACILITY

---

Dave Roberts, Chair

Maggie Houlihan, Vice Chair

---

A Meeting of the Board of Directors of the San Elijo Joint Powers Authority (SEJPA) was held Monday, December 14, 2009, at 9:00 a.m., at the San Elijo Water Reclamation Facility at 2695 Manchester Avenue, Cardiff by the Sea, California.

1. CALL TO ORDER

Chair Roberts called the meeting to order at 9:00 a.m.

2. ROLL CALL

*Directors Present:*

Teresa Barth  
Thomas Campbell  
Maggie Houlihan (Arrived 9:03 a.m.)  
Dave Roberts

*Others Present:*

General Manager  
Director of Finance/Administration  
Administrative Assistant  
Accounting Tech  
Director of Operations  
Maintenance Mechanic

Michael Thornton  
Greg Lewis  
Monica Blake  
Carrie Cook  
Chris Trees  
Kyle James

*SEJPA Counsel:*

Procopio, Cory, Hargreaves & Savitch

Greg Moser

City of Encinitas,  
Director of Public Works

Larry Watt

City of Solana Beach,  
City Manager

David Ott

City of Solana Beach,  
Director of Engineering/Public Works

Mohammad "Mo" Sammak

Kennedy/Jenks Consultants

Pat Huston & Matt Tebbetts

3. PLEDGE OF ALLEGIANCE

Kyle James led the Pledge of Allegiance.

4. ORAL COMMUNICATIONS

General Manager Michael Thornton introduced the two new SEJPA employees to the Board of Directors; Kyle James, Maintenance Mechanic I, and Christopher Trees, Director of Operations.

5. PRESENTATION OF AWARDS

None

6. CONSENT CALENDAR

Moved by Board Member Barth and seconded by Board Member Campbell to approve the Consent Calendar with the following vote of approval.

AYES: Barth, Campbell and Roberts  
NOES: None  
ABSENT: Houlihan  
ABSTAIN: None

Consent Calendar:

Agenda Item No. 7	Approval of Minutes for the November 9, 2009 meetings
Agenda Item No. 8	Approval for Payment of Warrants and Monthly Investment Report
Agenda Item No. 9	San Elijo Water Reclamation Facility Treated Effluent Flows – Monthly Report
Agenda Item No. 10	San Elijo Joint Powers Authority Recycled Water Program – Monthly Report
Agenda Item No. 11	San Elijo Water Reclamation Program - Annual Review.

12. ITEMS REMOVED FROM CONSENT CALENDAR

None

Vice Chair Maggie Houlihan arrived at 9:03 a.m.

13. CALIFORNIA ENERGY COMMISSION (CEC) LOAN PAYMENT

Director of Finance/Administration, Greg Lewis, reported that in 2007 the SEJPA negotiated a low-interest loan (3.95%) with the CEC for \$1,193,500 to finance the construction of the recently completed Performance Optimization of the Activated Sludge System. As stated in the loan agreement, first payment to the CEC was to be due in December of the year following completion of the project; with the year being defined as ending on 31 May. Since the project had a planned completion date of June 2009, the first payment was anticipated being due in December 2010. However, the project was completed early (March 2009), thereby making the first payment due in December 2009.

The financial advantage to the SEJPA for complying with the early loan payment request is a savings of more than \$47,000 in avoided interest. SEJPA management recommended the use of contingency funding for making the first CEC loan payment in December 2009.

Moved by Board Member Barth and seconded by Board Member Campbell to:

1. Authorize the use of contingency funding in the amount of \$64,237.99 to pay the first installment of the CEC loan.

Motion carried with unanimous vote of approval.

14. ACCEPT AND FILE THE PRELIMINARY DESIGN REPORT FOR THE RECYCLED WATER DEMINERALIZATION PROJECT FOR THE SAN ELIJO WATER RECLAMATION FACILITY

In July 2009, the SEJPA Board of Directors awarded the professional engineering agreement to Kennedy Jenks Consultants for the preliminary design of the Recycled Water Demineralization Project. The preliminary design report (PDR) is now complete and has been reviewed and approved by staff. The General Manager introduced Pat Huston and Matt Tebbetts of Kennedy Jenks Consultants. Mr. Tebbetts showed the Board of Directors a PowerPoint presentation on the goals of the project and how the preliminary design meets those goals.

Moved by Vice Chair Houlihan and seconded by Board Member Campbell to:

1. Accept and file the Preliminary Design Report for the Recycled Water Demineralization Project for the San Elijo Water Reclamation Facility; and
2. Authorize the General Manager to negotiate with Kennedy Jenks Consultants an Engineering Services Agreement for Final Design of the Recycled Water Demineralization Project.

Motion carried with unanimous vote of approval.

15. ADOPT THE PROPOSED MITIGATED NEGATIVE DECLARATION FOR THE SEJPA RECYCLED WATER PROJECT

The SEJPA retained the professional services of Dudek to prepare the California Environmental Quality Act (CEQA) reporting requirements for the proposed Recycled Water Demineralization Project. Based on the findings of the Initial Study Environmental Checklist, the SEJPA and Dudek have determined that a Mitigated Negative Declaration (MND) is the appropriate environmental document for project compliance with CEQA.

The final MND has been prepared by Dudek with the SEJPA as the lead agency and is in conformance with Section 15070(a) of the CEQA Guidelines. Adoption of the proposed MND will complete the public review process required by CEQA.

Moved by Board Member Barth and seconded by Board Member Campbell to:

1. Adopt the Proposed Mitigated Negative Declaration for the SEJPA Recycled Water Project.

Motion carried with unanimous vote of approval.

16. GENERAL MANAGER'S REPORT

The General Manager reported that the SEJPA continues to work closely with the Marine Life Protection Act Initiative blue ribbon task force and the Department of Fish and Game to make certain it is understood that the SEJPA is required to monitor, operate, and maintain wastewater infrastructure within the San Elijo Lagoon and off shore of Cardiff Beach. The SEJPA has expressed its support for the goals of the Marine Life Protection Act and would only like to ensure that there are no legal conflicts with their proposals and the required state and federal laws the SEJPA is obligated to uphold.

The General Manager stated the SEJPA has just completed the application for renewing its NPDES permit for ocean disposal and that the San Diego Regional Water Quality Control Board has 180 days to review the application.

The General Manager stated that the California Association of Sanitation Agencies (CASA) winter conference is January 13-15, 2010 and being held in the Palm Desert area. The conference provides a good venue for Board Members and staff to learn information on current topics and legislation relevant to the wastewater and recycled water industry.

17. GENERAL COUNSEL'S REPORT

None

18. BOARD MEMBER COMMENTS

Chair Roberts thanked General Manager Michael Thornton for his Recycled Water Demineralization Project presentation to the city council meeting for the City of Solana Beach.

19. CLOSED SESSION

The SEJPA Board of Directors went into closed session pursuant to Government Code Section 54957 with respect to Public Employee Performance Evaluation at 9:50 a.m., and came out of closed session at 10:55 a.m.

The Board of Directors reported that it has rated the General Manager's performance as outstanding, with a rated value of 95 out of a possible 100 points on the evaluation form. The Board also stated its desire to move the General Manager's annual evaluation to a fiscal year cycle consistent with the annual budget cycle. Moved by Board Member Campbell and seconded by Board Member Barth to:

1. Amend the General Manager's contract now to include a base salary of \$165,940 effective January 1, 2010 through June 30, 2011;
2. Provide a non-base building bonus of \$5,000 for calendar year 2009; and
3. The General Manager is eligible for an additional performance-based bonus of up to another \$5,000, for the period of January 1, 2010 through June 30, 2011, subject to the approval of the Board of Directors on or before June 30, 2011. The Board also reserves the right to adjust the retirement component of the General Manager's contract for the period beginning July 1, 2010 through June 30, 2011.

Motion carried with unanimous vote of approval.

20. ADJOURNMENT

The Board of Directors adjourned at 11:07 a.m. The next Board of Directors meeting will be held on Monday, January 11, 2010.

Respectfully submitted,



Michael T. Thornton, P.E.  
General Manager