Pursuant to the Governor’s Executive Orders (N-29-20 and N-33-20) to protect public health by limiting public gatherings and requiring social distancing, this meeting occurred solely by remote presence.

CALL TO ORDER

Chair Celeste Cantú called the remote meeting to order on March 10, 2021 at 9:00 a.m.

Roger Mitchell gave an opening statement providing information for attendees to participate in the meeting.

ATTENDANCE:

Board Members present:

Celeste Cantú, Board Chair; Betty H. Olson, Ph.D., Vice Chair; Henry Abarbanel, Ph.D.; Megan Blair; Gary Strawn; Stefanie Warren.

Board Members absent:

Eric Anderson.

Staff present:


Others present on behalf of the San Diego Water Board:

Laurel Firestone, State Water Resources Control Board; Catherine Hagan, Vincent Vu, Lori Okun, Office of Chief Counsel.
**Public Attendance:**

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<tbody>
<tr>
<td>Stephanie Gaines</td>
<td>Elena Aguilar</td>
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<tr>
<td>County of San Diego/San Diego Region Copermittees</td>
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<td>John Lorman, Karl Joseph Procopio, Cory, Hargreaves, and Savitch LLP</td>
<td>Tricia Wotipka Dudek</td>
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<td>Chris Helmer</td>
<td>Gabriela Torres</td>
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<td>City of Imperial Beach</td>
<td>Surfrrider Foundation, San Diego Chapter</td>
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<td>Xochitl Aranda</td>
<td>Stephanie Bauer</td>
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<td>International Boundary and Water Commission</td>
<td>Port of San Diego</td>
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<tr>
<td>Ryan Kempster, Wendy Enright, Peter Vroom, Zoe Scott, Adriano Feit, Amy Latker, Rachel Davenport</td>
<td>City of San Diego</td>
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**BOARD MEETING**

*Public comments on agenda items were limited to 3 minutes or otherwise at the discretion of the Board Chair*

**PUBLIC FORUM**

Stephanie Gaines, representing the San Diego Regional Copermittees, provided an update on the Clean Water Project, and she responded to Board Member questions.

**BOARD BUSINESS:**

1. **Minutes of Board Meeting: February 10, 2021**

   **Motion to adopt the February 10, 2021 minutes:**
   - Mr. Strawn
   **Second:**
   - Ms. Warren
   **MOTION CARRIED:**
   - February 10, 2021

   **Aye:**
   - Dr. Abarbanel
   - Dr. Olson
   - Mr. Strawn
   - Ms. Warren
   - Chair Cantú

   **Nay:**
   - None.

   **Absent:**
   - Mr. Anderson.
Abstain:
- Ms. Blair.

2. Chairman’s, Board Members’, State Water Board Liaison’s, and Executive Officer’s Reports. These items were for Board discussion only. Public testimony was not allowed, and the Board took no formal action.

Dr. Abarbanel expressed appreciation for the willingness of County Supervisor Nathan Fletcher to meet with Board representatives, and he stated that he thought the meeting went well.

Ms. Firestone provided an update on recent actions taken by the State Board and upcoming State Board actions and priorities, and she responded to Board Member questions and comments.

Mr. Gibson responded to Board Member questions regarding the written Executive Officer’s Report. He also provided updates on the upcoming Triennial Review and the USMCA Eligible Public Entities Coordinating Group (EPECG) Meeting on February 25, 2021.

3. Future Agenda Items: Board members discussed items for possible inclusion on future agendas.

Dr. Abarbanel stated that one of the items that came out of the meeting with Mr. Fletcher was the suggestion of a Board-sponsored, Region-wide workshop on the Tijuana River Valley.

CONSENT CALENDAR


Motion to approve the Consent Calendar:
- Ms. Warren
Second:
- Dr. Olson

MOTION CARRIED

Aye:
- Dr. Abarbanel
- Ms. Blair
- Dr. Olson
- Mr. Strawn
Ms. Warren
Chair Cantú

Nay:
None.

Absent:
Mr. Anderson.

Abstain:
None.

INFORMATIONAL ITEMS

6. Update on Asset Management and Infrastructure Issues at the South Bay International Boundary and Water Commission Wastewater Treatment Plant. (Vicente Rodriguez and Keith Yaeger)

Chair Cantú gave her opening statement, indicating that discussion during this item would be limited to the matters presented in the informational report, and no action would be taken.

Vicente Rodriguez introduced the item, and Xochitl Aranda from the International Boundary and Water Commission gave the presentation and responded to Board Member questions and comments.

The following stakeholders commented on the item:
- Chris Helmer, City of Imperial Beach
- Stephanie Bauer, Port of San Diego

7. State of the Ocean Report by the City of San Diego, Status and Trends of Water Quality Conditions in the Vicinity of Point Loma Ocean Outfall and South Bay Ocean Outfall. (Keith Yaeger)

Chair Cantú gave her opening statement, indicating that discussion during this item would be limited to the matters presented in the informational report, and no action would be taken.

Keith Yaeger introduced the item, after which Dr. Ryan Kempster gave the City’s presentation, and responded to Board Member questions.

Chair Cantú recessed for Closed Session at 11:00 a.m., and Vincent Vu stated that the Board would discuss Item 11. Eric Kinehoe asked to speak on an item listed for the closed session, but Mr. Vu indicated that he would address Mr. Kinehoe’s concerns after the meeting. Chair Cantú reconvened the public meeting at 12:14 p.m.
CLOSED SESSIONS
Closed Sessions are not open to the Public

8. Discussion of Ongoing Litigation [Authorized under Government Code §11126, subd. (e)]. The San Diego Water Board may meet in closed session to discuss ongoing litigation for the following cases:

Civil Actions (Judicial and Administrative, other than Petitions for Review filed with the State Water Board)


d. Test Claim on California Regional Water Quality Control Board, San Diego Region, Order No. R9-2010-0016 (NPDES No. CAS0108766) adopted November 10, 2010, County of Riverside, Riverside County Flood Control and Water Conservation District, and the Cities of Murrieta, Temecula, and Wildomar, Co-Claimants, filed with Commission on State Mandates, No. 11-TC-03 (filed November 2011). (Catherine George Hagan)

e. Test Claim on California Regional Water Quality Control Board, San Diego Region, Order No. R9-2013-0001 (Regional MS4 Permit) filed with Commission on State Mandates by County of San Diego. (San Diego Region Water Permit – County of San Diego, Test Claim No. 14-TC-03 (filed June 2015). (Catherine George Hagan)

g. Test Claim on California Regional Water Quality Control Board, San Diego Region, Order No. R9-2015-0100, Provisions A.4, B.2, B.3.a, B.3.b, B.4, B.6, D.1.c(6), D.2.a(2), D.3, D.4, E.3.c(2), E.3.c(3), E.3.d, E.5.a, E.5.c(1)(a), E.5.c(2)(a), E.5.c(3), E.5.e, E.6, F.1.a, F.2.a, F.2.b, F.2.c, F.3.b(3), and F.3.c. 16-TC-05, County of Riverside, Riverside County Flood Control and Water Conservation District, and the Cities of Murrieta, Temecula, and Wildomar, Co-Claimants, filed with Commission on State Mandates, (June 2017). (Catherine George Hagan)

h. Test Claim on California Regional Water Quality Control Board, San Diego Region, Order No. R9-2017-0077, Sections A.1, A.3, and A.5, 17-TC-05, City of San Juan Capistrano and County of San Diego, Claimants, filed with the Commission on State Mandates, (June 2017). (Catherine George Hagan)


Petitions for Review Pending Before the State Water Board:¹


9. Consideration of Initiation of Litigation or Discussion of Significant Exposure to Litigation. The San Diego Water Board may meet in closed session to initiate or consider initiating litigation concerning matters within its jurisdiction or to discuss significant exposure to litigation [Authorized under Government Code §11126(e)]. (David Gibson)

¹ Petitions for review of San Diego Water Board actions or inactions filed with the State Water Board being held in abeyance by the State Water Board are generally not listed in the agenda. The titles of these matters are available at the San Diego Water Board. Please contact Catherine George Hagan at Catherine.Hagan@waterboards.ca.gov or 619-521-3012 for more information.
10. Deliberation on a Decision to be Reached Based on Evidence Introduced in a Hearing. The San Diego Water Board may meet in closed session to consider evidence received in an adjudicative hearing and to deliberate on a decision to be reached based upon that evidence [Authorized under Government Code §11126(c)(3)].

11. Personnel. The San Diego Water Board may meet in closed session to consider the appointment, employment, evaluation of performance, or dismissal of a public employee or to hear complaints or charges brought against that employee by another person or employee unless the employee requests a public hearing [Authorized under Government Code §11126(a)].

**ADJOURNMENT**

There being no further business, Chair Cantú adjourned the meeting at 12:15 p.m.