

ORDINANCE NO. 2020-03

AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE  
SAN DIEGO COUNTY WATER AUTHORITY MAKING  
AMENDMENTS TO CHAPTERS 1.00, 2.00, 4.00, AND 7.00 OF  
THE ADMINISTRATIVE CODE

NOW, THEREFORE, the Board of Directors of the San Diego County Water Authority does ordain as follows:

1. Article 1, chapter 1.00 of the Administrative Code is amended by the amendment of Section 1.00.030, subdivision (a) is amended to read as follows:

**1.00.030 Amendments**

(a) This Code and any of its provisions may be amended, supplemented or repealed by ordinance of the ~~B~~board of ~~D~~irectors.

2. Article 1, chapter 1.08 of the Administrative Code is amended by the amendment of Section 1.08.040, subsection (b) to read as follows:

**1.08.040 Business Hours and Holidays**

(b) The ~~Authority is normally closed on designated~~ holidays. ~~The list of~~ ~~of the~~ Authority ~~holidays is maintained and periodically updated in applicable Human Resources policies and Memoranda of Understanding and on the Authority's website.~~ ~~on which the offices normally will be closed are:~~

~~January 1 (New Year's Day); the third Monday in January (Dr. Martin Luther King, Jr. Day); the third Monday in February (President's Day); March 31 (Cesar Chavez Day); the last Monday in May (Memorial Day); July 4 (Independence Day); the first Monday in September (Labor Day); November 11 (Veteran's Day); the Thursday in November designated as Thanksgiving Day and the Friday following Thanksgiving Day; December 25 (Christmas Day). If any of these holidays falls on a Sunday, the following Monday is a holiday. If November 11 falls on a Saturday, the preceding Friday is a holiday. If any holiday other than November 11 falls on a Saturday, the General Manager shall determine whether the holiday is the preceding Friday or the following Monday.~~ Nothing in this section precludes the establishment of additional holidays pursuant to Chapter 2.16 or by a memorandum of understanding with one or more recognized employee organizations.

3. Article 1, chapter 1.08 of the Administrative Code is amended by the amendment of Section 1.08.050 to read as follows:

**1.08.050 Designation of Newspapers for Publication of Official Notices; Electronic Notices**

The Board may by resolution designate the newspaper or newspapers for publication of official notices of the Authority. The Authority shall publish any necessary notices as required by law and will endeavor to do so electronically when appropriate.

4. Article 1, chapter 1.16 of the Administrative Code is amended by the amendment of Section 1.16.020, subsections (a) and (b) to read as follows:

**Section 1.16.020 Delegation of Authority**

(a) All claims shall be filed with the General Manager. The General Manager is authorized to accept for filing timely claims, to return or accept for filing untimely claims, and to deny or grant applications for leave to present late claims. The General Manager shall promptly provide the General Counsel with a copy of each claim accepted for filing. The General Manager is authorized to delegate administrative responsibilities under this subdivision as appropriate. ~~to a risk manager.~~

(b) The General Manager, with the consent of the General Counsel, may deny or reject any claim or permit denial or rejection of a claim by operation of law. The General Manager shall cause notice of the denial or rejection of a claim to be given as provided by the California Government Code. The General Manager is authorized to delegate administrative Responsibilities under this subdivision as appropriate. ~~to a risk manager.~~

5. Article 2, chapter 2.00 of the Administrative Code is amended by the amendment of section 2.00.100 to read as follows:

**Section 2.00.100 Appointment Authority**

The Board shall appoint and fix the compensation of the General Manager and General Counsel. The Board may retain or appoint, special counsel, an independent auditor, lobbyists and other independent contractors or consultants who may report directly to the Board or may be subject to the supervision of the General Manager or General Counsel as the Board deems appropriate.

6. Article 2, chapter 2.04 of the Administrative Code is amended by the amendment of section 2.04.050, subsection (b)(5) to read as follows:

**Section 2.04.050 Authority and Duties**

(b) The General Manager is responsible for the efficient administration of all the affairs of the Authority the responsibility for which is not otherwise delegated to the General Counsel or another officer appointed directly by the Board, or is reserved to the Board. In addition to the general powers as administrative head of the Authority, and not as a limitation thereon, the General Manager shall:

5. ~~MakeDirect~~ investigations of complaints regarding the administration or affairs of the Authority and any department or division thereof;

7. Article 2, chapter 2.16 of the Administrative Code is amended by the amendment of section 2.16.020, subsection (c)(5) to read as follows:

**Section 2.16.020 Scope and Application**

(c) Special category positions include: 5. All senior manager positions ~~except appointments to a senior manager position made on or before November 17, 2005;~~

8. Article 2, chapter 2.16 of the Administrative Code is amended by the amendment of section 2.16.040, subsection (d) to read as follows:

**Section 2.16.040 Personnel Rules, Policies and Procedures**

(d) The personnel officer, ~~or his/her designee,~~ is responsible for compiling the rules, procedures and policies into one or more manuals, handbooks or pamphlets and for providing such manuals, handbooks or pamphlets to Authority employees.

9. Article 2, chapter 2.20 of the Administrative Code is amended by the amendment of section 2.20.020, subsection (8) to read as follows:

**Section 2.20.020 Definitions**

As used in this Chapter, the following terms, whether capitalized or lower-case, shall have the meanings indicated in this section, unless a different meaning is plainly apparent from the context of the sentence or paragraph in which the term is used. Terms used in this Chapter and defined in the Meyers-Milias-Brown Act shall have the meaning defined in that Act, except as modified by this section.

8. "Impasse" means that the representatives of the Authority and a Recognized Employee Organization have reached a point in their meeting and conferring in good faith where their differences and matters to be included in a Memorandum of Understanding, and concerning which they are required to meet and confer, remain so substantial and prolonged that further meeting and conferring to reach resolution would be futile.

10. Article 2, chapter 2.20 of the Administrative Code is amended by the amendment of section 2.20.060, subsection (c) to read as follows:

**Section 2.20.060 Bargaining Units**

(c) ~~Executive management, senior m~~Management and confidential employees shall not be included in a bargaining unit with non-management or non-confidential employees.

11. Article 2, chapter 2.20 of the Administrative Code is amended by the amendment of section 2.20.100, subsection (b) to read as follows:

**Section 2.20.100 Meet and Confer Process**

(b) The Employee Relations Officer, or his/her designee, on behalf of the Authority, shall meet and confer in good faith with representatives of Recognized Employee Organizations on matters within the scope of representation. The Employee Relations Officer, on behalf of the Authority, may consult with Recognized Employee Organizations on matters affecting employees when meeting and conferring is not required and shall consult with self represented employees regarding wages, hours, and other terms and conditions of employment. The Employee Relations Officer may retain the assistance of counsel, labor relations experts, financial consultants and others, as the Employee Relations Officer deems necessary or convenient to carry out the duties of this subdivision.

12. Article 2, chapter 2.24 of the Administrative Code is amended by the amendment of section 2.24.020, subsection (c) to read as follows:

**Section 2.24.020 Small Contractors Outreach and Opportunities Program**

~~(c) Upon recommendation of the Small Contractors Outreach and Opportunities Program Committee and Administrative and Finance Committee, t~~The Board may, by resolution, establish programs to: provide for a small business contractor preference in procurement of certain goods and services where responsibility and quality are equal; provide a preference to contractors who meet small business subcontracting participation goals; require contractors proposing the use of subcontractors to make good faith efforts to meet a subcontracting participation goal for small business contractors; and otherwise implement the provisions of this section.

13. Article 4, chapter 4.04 of the Administrative Code is amended by the amendment of section 4.04.020, subsection (c) to read as follows:

**Section 4.04.020 Award and Execution of Contracts – Generally**

(c) In furtherance of the Authority’s pipeline inspection program and to maintain system reliability, the General Manager may award and execute contracts without regard to the limits of subdivisions (a) or (b) for either (1) work during the period of ~~at the Authority’s annual~~ pipeline shutdown to repair or correct a condition discovered during the shutdown, or (2) repair or relining work to an area of pipeline at which the Authority’s electronic pipeline monitoring systems indicates a condition requiring an urgent response. The General Manager shall report to the Board not later than seven (7) days after the discovery of the condition requiring repair or correction or at its next regularly scheduled meeting, if that meeting will occur not later than fourteen (14) days after the action, the details of the condition and of the repair or corrective action. Any contract in excess of \$250,000 issued pursuant to this subsection (c) is subject to ratification by the Board at its first regular meeting following the discovery of the condition.

14. Article 4, chapter 4.04 of the Administrative Code is amended by the amendment of section 4.04.150, subsection (b) to read as follows:

**Section 4.04.150 Cooperative Procurement**

(b) The General Manager is authorized to enter into contracts greater than \$150,000 for the purchase of goods and services available through a cooperative purchasing agreement provided:

(1a) goods and services to be purchased were approved in the applicable budget and (2b) the cooperative purchasing agreement being utilized was awarded as a result of a competitive pricing procedure containing a public agency clause.

15. Article 4, chapter 4.08 of the Administrative Code is amended by the amendment of section 4.08.040, subsection (d)(1) to read as follows:

**Section 4.08.040 Authority to Contract**

(d) In furtherance of the Authority's pipeline inspection program and to maintain system reliability, the General Manager may award and execute contracts without regard to the limits of this section or of sections 4.08.020 or 4.08.030 for work either: (1) during the period a of the Authority's annual pipeline shutdown to repair or correct a condition discovered during the shutdown, or (2) repair or relining work to an area of pipeline at which the Authority's electronic pipeline monitoring system indicates a condition requiring an urgent response. The General Manager shall report to the Board not later than seven (7) days after the discovery of the condition requiring repair or correction or at its next regularly scheduled meeting, if that meeting will occur not later than fourteen (14) days after the action, the details of the condition and of the repair or corrective action. Any contract in excess of \$500,000 issued pursuant to this subsection (d) is subject to ratification by the Board at its first regular meeting following the discovery of the condition.

16. Article 7, chapter 7.00 of the Administrative Code is amended by the amendment of section 7.00.040, subsection (b)(6) to read as follows:

**Section 7.00.040 Prohibited Uses**

Swimming pools, ponds, spas or hot tubs, infiltration basins, bioretention basins, dry wells, and other similar structures;

17. Article 7, chapter 7.00 of the Administrative Code is amended by the amendment of section 7.00.050, subsection (b)(10) to read as follows:

**Section 7.00.050 Uses Allowed Without a Permit – Notice to Authority**

Pipes, conduit, wires and cables to provide electric, gas, sewer, and communications service ("utility facilities") to the property to which the reserved right is attached. Subsurface utility facilities shall be installed above the Authority's pipelines and shall have a minimum vertical separation of eighteen inches (18") from bottom of utility to top of the Authority's pipeline and be installed such that crossings of the Authority's pipelines are at right angles or as close to a right angle as possible. Conductor clearances for overhead electrical and telephone lines shall conform to California Public Utilities Commission General Order 95 for Overhead Electrical Line Construction or at a greater clearance if required by the Authority. The clearance shall not be less than thirty-five feet (35'). Overhead lines shall be located a minimum of thirty feet (30'), measured laterally, away from all aboveground facilities on the pipelines. When underground electric lines provide service at 120 volts (nominal) or greater, conduits shall be encased in a minimum of three inches (3") of red concrete. Above ground warning signs shall be placed at the right of way lines where subsurface utility facilities enter and exit the right of way. Non-metallic gas lines shall be placed with a twelve-gauge (12 gauge) tracer wire a minimum of twelve inches

(12") above the buried utility, terminating in an Authority-approved junction box. If utility facilities will be installed below ground, the notice required by subdivision (a) shall be accompanied by a plan showing the proposed location of all subsurface facilities. The notice required by subdivision (a) shall be accompanied by a plan showing the location of all shut-off switches or valves. The owner shall file a written update plan showing any changes in location of subsurface facilities or shut-off switches or valves. Shut-off switches or valves shall be located to provide easy access by Authority personnel using the Authority's right of way. Septic systems and leach fields are not permitted. Utility poles are not permitted except pursuant to a major encroachment permit or joint use agreement.

18. Article 7, chapter 7.00 of the Administrative Code is amended by the amendment of section 7.00.050, subsection (c)(1) to read as follows:

**Section 7.00.050 Uses Allowed Without a Permit – Notice to Authority**

Fences constructed of wood, plastic or metal, and pre-fabricated portable corrals, may be permitted no closer than ten feet (10') from the centerline of a pipeline or access or patrol road, and twenty feet (20') from the edge of any surface or above-ground facility; however, the setback from the centerline of a pipeline may be reduced upon approval by the Director of Engineering to allow a fence on a property line or right-of-way boundary that is within the ten foot setback area. Fences of concrete, stone, or similar materials, are considered walls and not permitted under this subdivision.

19. Article 7, chapter 7.00 of the Administrative Code is amended by the amendment of section 7.00.050, subsection (c)(3) to read as follows:

**Section 7.00.050 Uses Allowed Without a Permit – Notice to Authority**

When a fence is located in a manner that obstructs direct access to an Authority right of way, pipeline or other structure, or between an Authority pipeline or other structure and the Authority's regular patrol road, the Director shall require that a fence be constructed to include and maintained in a manner that permits visibility through the fence at a height of thirty-six inches (36"), and may require installation of a gate that meets the requirements of the Authority. Fences must permit visibility through the fence beginning at a height of thirty-six inches (36") to the top of the fence, and such visibility must be unobstructed at any angle of viewing.

20. Article 7, chapter 7.00 of the Administrative Code is amended by the amendment of section 7.00.050, subsection (d)(1) to read as follows:

**Section 7.00.050 Uses Allowed Without a Permit – Notice to Authority**

Any structure or use shall be set back a minimum of twenty (20') feet from the edge of any Authority surface facility, unless otherwise provided in subdivisions (b) or (c). The setback from rights of way used for access or patrol road purposes shall be 10 feet from the centerline of the road. The Director of Engineering may reduce or eliminate the setback requirement for a use if the Director finds that the reduction will not be detrimental to the Authority.

21. Article 7, chapter 7.00 of the Administrative Code is amended by the amendment of section 7.00.060, subsection (b)(8) to read as follows:

**Section 7.00.060 Encroachment Permits – Required – Minor Encroachments**

When underground electric lines provide service at one hundred twenty (120) volts (nominal) or greater, conduits shall be encased in a minimum of three inches (3”) of red concrete. Above-ground warning signs shall be placed at the right of way lines where the conduits enter and exit the right of way.

- 22. The General Counsel shall incorporate these changes into the Administrative Code. The highlighting of text in this ordinance is for convenience and will not be incorporated into the codified text.
- 23. This ordinance shall be effective upon adoption.
- 24. The Clerk of the Board shall cause this ordinance to be posted in full in a prominent location on the Water Authority’s website pursuant to Section 1.00.040 of the Administrative Code.

PASSED, APPROVED, and ADOPTED this 23<sup>rd</sup> day of July 2020 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

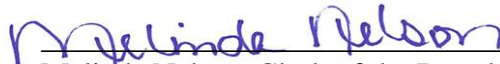


Jim Madaffer, Chair

ATTEST:

  
Christy Guerin, Secretary

I, Melinda Nelson, Clerk of the Board of the San Diego County Water Authority, certify that the vote shown above is correct and this Ordinance No. 2020-03 was duly adopted at the meeting of the Board of Directors on the date stated above.

  
Melinda Nelson, Clerk of the Board