



THE WATER CONSERVATION GARDEN AUTHORITY
FOUNDED 1992

San Diego County Water Authority
Dan McMillan – Kyle Swanson

Grossmont-Cuyamaca Community College District
Lynn Neault – Sahar Abushaban

Helix Water District
Kathleen Hedberg – Joel Scalzitti

Otay Water District
Mark Robak – Jose Lopez

City of San Diego
Nicole Beaulieu DeSantis – Katie Keach

Sweetwater Authority
Steve Castañeda – Ditas Yamane

Water Conservation Garden
(Interim Ex Officio)
Lauren Magnuson

Board Special Meeting Minutes

Water Conservation Garden Multipurpose Room
12122 Cuyamaca College Drive West
El Cajon, CA 92019

Thursday, April 4, 2024
2:44 p.m.

Mission Statement of The Water Conservation Garden:

To educate and inspire through excellent exhibits and programs that promote water conservation and the sustainable use of related natural resources.

The meeting was called to order at 2:44 p.m.

1. CALL TO ORDER AND ROLL CALL

1.1 Call to Order

Board President Mark Robak called the special meeting of the Water Conservation Garden Authority (the Authority) to order.

1.2 Roll Call

Voting Members Present:

Dan McMillan (SDCWA)
Lynn Neault, Secretary (GCCCD)
Kathleen Hedberg, Vice President (Helix)
Mark Robak, President (Otay)
Steve Castañeda (Sweetwater)
Nicole DeSantis (City of San Diego)

Non-Voting Alternates Present:

Joel Scalzitti (Helix)
Jose Lopez (Otay)

Voting Members Absent: None

[Water Conservation Garden](#)

Lauren Magnuson, Water Conservation Garden Interim Executive Director

Authority Members Staff Present:

Brian Olney, General Manager (Helix)
Michael Williamson, Recording Secretary (GCCCD)



THE WATER CONSERVATION GARDEN AUTHORITY
FOUNDED 1992

2. PLEDGE OF ALLEGIANCE

2.1 Pledge of Allegiance

The Pledge of Allegiance was recited.

3. APPROVAL OF AGENDA

3.1 Approval of Today's Agenda

Motion: Approve the agenda of today's meeting.

Motion by Kathleen Hedberg; second by Dan McMillan

Final Resolution: Motion carries.

Yeas: Castañeda, DeSantis, Hedberg, McMillan, Neault, Robak

Nos: None

Absent: None

Abstain: None

4. PUBLIC COMMENTS

4.1 Public Participation - Opportunity for Members of the Public to Speak to the Board on Any Matter Within the Board's Jurisdiction Including an Item on Today's Agenda

- There was none.

5. ACTION AND DISCUSSION ITEMS

5.1 Approval of Minutes of the February 9, 2024, Special Meeting

- There was no discussion on this item.

Motion: Approve the Minutes of the February 9, 2024, Special Meeting.

Motion by Dan McMillan; second by Lynn Neault

Final Resolution: Motion carries.

Yeas: Castañeda, DeSantis, Hedberg, McMillan, Neault, Robak

Nos: None

Absent: None

Abstain: None

5.2 Approval of Minutes of the February 23, 2024, Special Meeting

- There was no discussion on this item.

Motion: Approve the Minutes of the February 23, 2024, Special Meeting.



THE WATER CONSERVATION GARDEN AUTHORITY
FOUNDED 1992

Motion by Kathleen Hedberg; second by Lynn Neault

Final Resolution: Motion carries.

Yeas: Castañeda, DeSantis, Hedberg, McMillan, Neault, Robak

Nos: None

Absent: None

Abstain: None

5.3 Status of Garden Operations through March 31, 2024

- Lauren Magnuson used a [slide presentation](#), slides 1-3, to update the Board.
- The Friends of the Water Conservation Garden (FWCG) now has a bankruptcy pending with Pinnacle Legal. Pinnacle Legal's contact information will be sent to the board members.
- Sam Ciccati has paused endowment payments to FWCG.
- Mr. Ciccati would increase the endowment over time if the Garden was under GCCCD management.
- FWCG will have one more board meeting before they are dissolved.
- It was clarified that FWCG was only using interest from the Ciccati Endowment to support operations, not principal.
- The Ciccati Endowment cannot be touched by the FWCG bankruptcy.
- FWCG has its own endowment separate from the Ciccati Endowment of approximately \$118,000.
- The Tomatomania event was very well received and well attended. The Garden received as revenue 20% of proceeds from the event, which was used for maintenance expenses. Almost all the volunteers showed up to help with the event.
- The Garden has about 100 registered volunteers, but about 40-50 who are most actively involved.
- More volunteers are needed for tasks requiring physical labor.
- Event bookings are coming back now that the Garden has reopened.
- The Board discussed the funds due to the Garden from the IRS Employee Retention Credit. GCCCD agreed to advance the Garden \$200,000 pending receipt of the funds in order to prevent closure of the Garden. However, the funds will likely be included in the FWCG bankruptcy, and the bankruptcy trustee will decide how the funds are used. This will leave the Garden in default on its loan from GCCCD.
- Four of the nine FWCG Board members have resigned, leaving five active members.

5.4 Status of Garden Operations Effective April 1, 2024, through June 30, 2024

- Brian Olney, General Manager, Helix Water District, used a [slide presentation](#), slides 4-12, to update the Board on operations.
- Getting insurance for the Garden will be challenging due to the fire danger, and also because of the lack of history of being insured. He reviewed and explained the fire safety zones, noting the Garden is in close proximity to high danger areas.
- It was noted that the Garden is not in compliance with the insurance requirements in the license agreement with GCCCD.



THE WATER CONSERVATION GARDEN AUTHORITY
FOUNDED 1992

- Volunteer onboarding was reviewed, noting there will need to be a resolution from the Authority Board requiring livescans from volunteers.
- Steve Zolezzi, Garden Volunteers President, provided a summary of the efforts of the volunteers.
 - Recruiting of volunteers is ongoing, but only with friends and family of current volunteers so that they can train each other volunteer-to-volunteer.
 - On average, volunteers work 12 hours per month.
 - There are a total of 16,000 volunteer hours worked per year, saving the Garden approximately \$320,000 per year.
 - There are currently 21 volunteer teams, and efforts are underway to add 3 more teams.
 - There are cuttings for planting available to take home at the information booth.
 - It was noted that CWA has outreach programs for kids.
 - It is too soon to estimate how much revenue the gift shop will be able to generate.
 - Volunteers are running the admission booth, which used to be employee run, saving the Garden approximately \$3,000 to \$5,000 per month.
 - The Garden is going to participate in the Cuyamaca College Spring Festival.
- Garden Operating Costs for 4/1 to 6/30/24 were reviewed.
- Sweetwater does not have the authority to contribute more than \$4,000 per month, and without a solid operating plan for the future, will be withdrawing from the Authority.
- Vehicle ownership and insurance was discussed. Two vehicles previously used by the Garden are owned by GCCCD and insured for GCCCD employees only to operate. For those vehicles to be insured for Garden use, they would have to be titled under the Garden.
- The potential for creditors repossessing Garden assets was discussed. According to Pinnacle Legal, it is very unlikely.
- The two employees of the Garden are currently independent contractors until July 1, 2024.

5.5 Responsibilities of the Water Conservation Garden Authority and Member Agencies per the Amended and Restated Joint Powers Agreement Creating the Water Conservation Garden Authority

- Brian Olney, General Manager, Helix Water District, used a [slide presentation](#), slides 13-20, to update the Board.
- An overview of the agreements was presented.
- Attorney Jeremy Jungreis noted that changes will need to be made to the JPA agreement in order to disentangle from FWCG.
- Director Neault noted that sexual assault insurance is critical nowadays, since GCCCD is an educational institution, and should be added to the agreement. Mr. Olney explained that he has made inquiries but has been unable to find that type of insurance.
- Attorney Jungreis clarified that member agencies are obligated to continue to fund for one more year.
- Article 15(D) describes the obligations of the JPA members.



THE WATER CONSERVATION GARDEN AUTHORITY
FOUNDED 1992

5.6 Proposed FY 2024-25 Water Conservation Garden Authority Operating Plan and Associated Estimated Budget Scenarios and Alternative Operating Scenarios

- Brian Olney, General Manager, Helix Water District, used a [slide presentation](#), slides 21-26, to update the Board.
- Budget scenarios on slide 24 were reviewed; all budget scenarios presented assume current hours of operation.
- Director Castañeda noted that Sweetwater would not approve any of the scenarios shown on slide 24. Any acceptable plan taken back to his board for approval needs to have revenue streams also.
- In order to ease concerns of donors, the Garden needs to overcome the ill feelings in the community created by FWCG defaulting on its obligations.
- The Board discussed the possibility of GCCCD taking over operations of the Garden. This could include the following:
 - The Garden would be included in instructional programs.
 - The water agencies would not be involved in operations; the JPA would dissolve.
 - The water agencies could be involved in an advisory capacity, perhaps as an advisory board.
 - The water agencies could continue to be donors to the Garden.
 - GCCCD Volunteers could be utilized at the Garden.
- GCCCD needs time to evaluate Garden operation scenarios, and a current operating scenario is still needed in the meantime, for at least one year.
- In general, support was expressed for transitioning Garden operations to GCCCD, but there needs to be a plan, as well as some way for the water agencies to be involved.
- The Ms. Smarty Plants trademark/copyright was discussed. FWCG looked into getting a trademark. Currently the name can be used by the JPA. It is believed that the former Ms. Smarty Plants is seeking a trademark/copyright.
- For reasonable operational purposes, Lauren Magnuson believes the Garden needs at least four full-time employees.
- Director Hedberg suggested the Board form an ad hoc committee to come up with scenarios for operating the Garden.
- GCCCD would want some sort of commitment from JPA before beginning any sort of formal plan to take over the Garden, as that process will be labor and resource-intensive.

5.7 Direction to Counsel on Changes to the Amended and Restated Joint Powers Agreement Creating the Water Conservation Garden Authority

- Brian Olney, General Manager, Helix Water District, used a [slide presentation](#), slides 27-29, to update the Board.
- Changes need to be made to the Amended and Restated Joint Power Agreement. It needs to be updated.
- Possible letters of agreement could be developed.
- A letter of intent from the JPA would be needed for GCCCD to move forward with plans to transition Garden operations to GCCCD.



THE WATER CONSERVATION GARDEN AUTHORITY
FOUNDED 1992

- Attorney Jeremy Jungreis does not feel that the agreement has to be amended at this point in time, as the agreement is still sufficient to continue on under the status quo.

5.8 Proposed Future Board Meeting Dates

- The next meeting will be a special meeting on May 2, 2024, at 2:30 p.m., at the Garden.

6. ADJOURNMENT

6.1 Meeting Adjourned

The meeting adjourned at 5:16 p.m.

ATTEST:

A handwritten signature in blue ink, consisting of several overlapping loops and a long horizontal stroke at the end, positioned above a solid black horizontal line.

Michael Williamson
Recording Secretary

DocuSigned by:
Mark Robak
4A13EF4CED7F44E...

9/25/2024

Mark Robak
Board President