

MINUTES OF THE REGULAR MEETING OF THE
BOARD OF DIRECTORS OF
COUNTY SANITATION DISTRICT NO. 9
HELD AT THE OFFICE OF THE DISTRICT
VIA TELECONFERENCE

February 22, 2023
1:30 o'clock, P.M.

The Board of Directors of County Sanitation District No. 9 of Los Angeles County met in regular session via teleconference:

There were present: Tim McOsker, Alternate Director from Los Angeles City
Janice Hahn, Chairperson, Director from Los Angeles County

Absent: Lindsey Horvath, Director from Los Angeles County

Also present: Kimberly S. Christensen, Secretary to the Board
Wes Beverlin, District Counsel

RE: PUBLIC COMMENT The Chairperson announced this was the time for any questions or comments by members of the public. There were no public comments or questions to address the Board on any matters.

RE: ALTERNATE DIRECTOR FROM CITY OF LOS ANGELES The Secretary presented a copy of a letter dated February 1, 2023, from the Los Angeles City Council President Paul Krekorian, appointing Mr. Tim McOsker, a member of the City Council of the City of Los Angeles, as the alternate Director from the city.

Upon motion of Director McOsker, duly seconded and unanimously carried by a roll-call vote, the action was accepted and ordered filed.

RE: MINUTES Upon motion of Director McOsker, duly seconded and unanimously carried by a roll-call vote, the minutes of the special meeting held December 19, 2022, were approved.

RE: DISTRICT EXPENSES The following expenses for the months of October, November, and December 2022, were presented and upon motion of Director McOsker, duly seconded and unanimously carried by a roll-call vote, were approved:

Local District Expenses:	
Operations & Maintenance	\$ 1,995.51
Allocated Expenses:	
Joint Administration	<u>2,260.77</u>
Total Expenses	<u>\$4,256.28</u>

RE: RESOLUTION PROCLAIMING A LOCAL EMERGENCY, RATIFYING THE PROCLAMATION OF A STATE OF EMERGENCY ON MARCH 4, 2020 BY CALIFORNIA GOVERNOR AND AUTHORIZING REMOTE TELECONFERENCE MEETINGS OF THE LEGISLATIVE BODY - ADOPT A proposed *Resolution of the Board of Directors of the County Sanitation District No. 9 of Los Angeles County Proclaiming a Local Emergency, Ratifying the Proclamation of a State of Emergency on March 4, 2020 by California Governor and Authorizing Remote Teleconference Meetings of the Legislative Body*, was presented. Remote teleconference meetings, during the continued existence of the Governor's proclaimed state of COVID-19 emergency, will be conducted under the provisions of AB 361 which added California Government Code Section 54953(e), to the Brown Act. Under the provisions of AB 361 and Government Code Section 54953(e), each District must adopt, by majority vote, a resolution making certain findings about the continuing COVID state of emergency and health and safety risks of conducting their meeting in person. By statute, this Resolution and its referenced findings, are only legally valid for 30 days. The Resolution was attached to the agenda. A recommendation was made to adopt the Resolution.

Upon motion of Director McOsker, duly seconded and unanimously carried by a roll-call vote, the following Resolution was adopted:

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
COUNTY SANITATION DISTRICT NO. 9 OF LOS ANGELES COUNTY
PROCLAIMING A LOCAL EMERGENCY, RATIFYING THE PROCLAMATION OF A STATE OF
EMERGENCY ON MARCH 4, 2020 BY CALIFORNIA GOVERNOR AND AUTHORIZING
REMOTE TELECONFERENCE MEETINGS OF THE LEGISLATIVE BODY

WHEREAS, the County Sanitation District No. 9 of Los Angeles County (“District”) is committed to preserving and nurturing public access and participation in meetings of the District’s Board of Directors and committees; and

WHEREAS, all meetings of the District’s Board of Directors are open and public, pursuant to the requirements of the Ralph M. Brown Act (California Government Code Sections 54950-54963) (the “Brown Act”), so that any member of the public may attend, participate, observe and watch the District’s Board of Directors conduct business; and

WHEREAS, the Brown Act, Section 54953(e), allows for conducting and participating in meetings by members of a legislative body, without compliance with the requirements of the Brown Act Section 54953(b)(3), subject to the existence of certain conditions; and

WHEREAS, a required condition under the Brown Act Section 54953(e) is the declaration of a state of emergency by the Governor pursuant to California Government Code Section 8625, proclaiming the existence of conditions of disaster or of extreme peril to the safety of persons and property within California caused by the conditions outlined and described in California Government Code Section 8558; and

WHEREAS, a proclamation of a state of emergency is made when there is an actual incident, threat of disaster, or extreme peril to the safety of persons and property within the jurisdictions that are within the District’s boundaries, caused by natural, technological, or human-induced disasters; and

WHEREAS, it is further required that the state or local officials have imposed or recommended measures to promote social distancing, or the Board of Directors of the District have held a meeting where it considered and determined that meeting in person would present imminent risks to the health or safety of attendees; and

WHEREAS, such conditions now exist in the District as Governor Newsom declared a State of Emergency on March 4, 2020 as a result of the threat of COVID-19; and

WHEREAS, the County of Los Angeles Department of Public Health Order of the Health Officer issued September 22, 2022 (the “County Order”) includes recommendations for the protection of person with elevated risk factors for severe health outcomes due to COVID-19 infection; and

WHEREAS, the District’s Board of Directors does hereby find that the ongoing and significant risks associated with COVID-19 infection, especially in the absence of capacity limits and physical distancing requirements for indoor activities, on those individuals with underlying health conditions that make them susceptible to severe COVID-19 illness and individuals who are not and cannot be vaccinated, that COVID-19 infection remains a significant health hazard to all residents, and desires to proclaim a local emergency and ratify the proclamation of a state of emergency by the Governor of the State of California, and further, ratify the County Order findings related to the ongoing health hazards of COVID-19; and

WHEREAS, as a consequence of the declared state of emergency and the local emergency, the Board of Directors of the District does hereby find that the District shall continue to conduct its meetings in accordance with the provisions and requirements of the Brown Act Section 54953(e), and that the legislative bodies of the District shall comply with the requirements to provide the public with access to, and an opportunity to comment at all meetings of the District’s legislative bodies in accordance with the requirements of the Brown Act Section 54953(e)(2); and

WHEREAS, the District will continue its practice of live streaming its meetings via the Zoom software platform which allows members of the public to observe and participate in the meetings via video or call-in options and will continue to offer members of the public an opportunity to make oral comments during the meetings and/or submit written comments before the meetings.

NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE COUNTY SANITATION DISTRICT NO. 9 OF LOS ANGELES COUNTY DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. Recitals. The Recitals set forth above are true, correct, and are incorporated in this Resolution by reference.

Section 2. Proclamation of Local Emergency. The Board of Directors of the District does hereby proclaim that a local emergency now exists throughout the territory of the District and, as described in the County Order, recommendations from health officers include ongoing masking, and social distancing practices especially for indoor settings and particularly for individuals who, due to vaccine status or underlying health conditions, continue to be at risk for severe illness, and COVID-19 infection remains a significant health hazard to all residents of the District.

Section 3. Ratification of Governor's Proclamation of a State of Emergency. The District's Board of Directors hereby ratifies the Governor of the State of California's Proclamation of a State of Emergency, effective as of its issuance date of March 4, 2020.

Section 4. Remote Teleconference Meetings. The Chief Engineer and General Manager, staff and legislative bodies are hereby authorized and directed to take all actions necessary to carry out the intent and purpose of this Resolution including, without limitation, conducting open and public meetings in accordance with the Brown Act Section 54953(e) and all other applicable provisions of the Brown Act.

Section 5. Effective Date of Resolution. This Resolution shall take effect immediately upon its adoption and shall be effective until the earlier of 30 days after the date of this resolution, or such time that the District's Board of Directors adopts a subsequent resolution in accordance with the Brown Act Section 54953(e)(3) to extend the time during which the legislative bodies of the District may continue to teleconference without compliance with the requirements of the Brown Act Section 54953(b)(3).

PASSED AND ADOPTED by the Board of Directors of the County Sanitation District No. 9 of Los Angeles County this 22nd day of February 2023 by the following vote:

AYES: Two (2)

NOES: None

ABSTAIN: None

ABSENT: One (1)

RE: ANNUAL COMPREHENSIVE
FINANCIAL REPORT FOR FISCAL
YEAR ENDING JUNE 30, 2022
RECEIVE AND ORDER FILED

Prior to the meeting in regular session, the Chief Engineer and General Manager advised that the Districts' Annual Comprehensive Financial Report (ACFR) for fiscal year ending June 30, 2022, which includes the annual audit required by state and federal

laws, was previously distributed to the Directors, and was attached to the agenda. He stated that the first several pages in the ACFR include a management summary that discusses the Districts' capital projects, goals, status of current projects, and upcoming major projects. The ACFR provides an overview of the Districts' operations and financial position. The ACFR was reviewed by an independent Certified Public Accounting firm and there were no findings. This item is consistent with the Districts' Guiding Principles of commitment to fiscal responsibility and prudent financial stewardship; and to protect financial and facility assets through prudent investment and maintenance programs. A recommendation was made to receive and order filed the Districts' ACFR for fiscal year ending June 30, 2022.

Upon motion of Director Hahn, duly seconded and unanimously carried by a roll-call vote, the Annual Comprehensive Financial Report for the fiscal year ending June 30, 2022, which includes the annual audit required by state and federal laws, and was previously mailed to the Directors, was accepted and ordered filed.

RE: FACILITIES PLANNING
ANNEXATION FEE RATE
ORDINANCE - ADOPT
FIND EXEMPT FROM CEQA

An Ordinance Prescribing Fees for the Annexation of Territory to County Sanitation District No. 9 of Los Angeles County (Ordinance) was presented for the Board's consideration. Properties outside the jurisdictional boundary of the District must be annexed to the

District before sewerage service can be provided. The cost of processing the annexation application is borne by the applicant pursuant to the District's existing Master Annexation Fee Ordinance and Annexation Fee Rate Ordinance (Existing Ordinances), both adopted in 2007, according to a tiered acreage-based approach. However, this method results in inequities in certain circumstances. Furthermore, the cost to process an annexation application does not vary significantly between a large or small property. The proposed ordinance, which was attached to the agenda, supersedes the Existing Ordinances and establishes a flat fee of \$2,000 per annexation application, which is more equitable and representative of the actual cost to process each annexation. In October 2022, the Personnel Committee, comprised of the Chairpersons of all active Districts, unanimously endorsed the proposed ordinance; and in December 2022, the proposed ordinance was introduced to the Board.

This item is consistent with the Districts' Guiding Principles of commitment to continual improvement; and commitment to fiscal responsibility and prudent financial stewardship.

Notice of the public hearing on the proposed Ordinance was published twice in *The Daily Breeze*, a weekly newspaper. A recommendation was made to the Board that a public hearing be conducted and, thereafter, the proposed Ordinance be adopted. A copy of the Ordinance accompanied the agenda.

This being the time and place set by District staff for a public hearing on the proposed Ordinance, the Chairperson opened the public hearing. In response to the Chairperson's question, the Secretary reported that no telephone calls, correspondence, or other public input was received by the District. The Chairperson announced that this was the time for any presentations by members of the public. There being none, the Chairperson closed the public hearing.

Upon motion of Director McOsker, duly seconded and unanimously carried by a roll-call vote, an *Ordinance Prescribing Fees for the Annexation of Territory to County Sanitation District No. 9 of Los Angeles County* (Ordinance), to become effective March 24, 2023, was adopted by the following vote:

AYES: Directors McOsker and Hahn

NOES: None

ABSENT: Director Horvath

ABSTAIN: None

An *Ordinance Prescribing Fees for the Annexation of Territory to County Sanitation District No. 9 of Los Angeles County* was adopted. Furthermore, the Board found that adoption of the Ordinance is exempt from the California Environmental Quality Act (CEQA) under Section 15273 of State Guidelines for Implementation of CEQA on the basis that CEQA does not apply to the modification of rates or other charges by the District which are for the purpose of meeting operating expenses necessary for the District to provide services such as annexation, as reported to the Board of Directors by the Chief Engineer and General Manager and as reflected in the official minutes of the District on file at the office of the District.

RE: SERVICE CHARGE REPORT RECEIVE
AND ORDER FILED - SET PUBLIC HEARING
FOR JUNE 28, 2023, AND GIVE REQUIRED
NOTICE

A report titled *County Sanitation District No. 9 Service Charge Report for Fiscal Year 2023-24*, prepared in accordance with Section 5473 of the Health and Safety Code of the State of California and which establishes the formula for the calculation of a sewage unit that

represents the average daily quantity of sewage flow and strength from a single-family home (SFH) was presented. Filing of the Service Charge Report is required each year in order to collect the wastewater service charge on the property tax roll. The current service charge rate per single-family home is \$6.50 per month (\$78 per year) and no increase is recommended for fiscal year 2023-24. A letter discussing the service charge rate, the fiscal year 2023-24 preliminary budget, and related matters accompanied the agenda. Staff recommends that the Public Hearing be held at the Board meeting scheduled for June 28, 2023. This item is consistent with the Districts' Guiding Principles of commitment to fiscal responsibility and prudent financial stewardship; and to plan for both short-term and long-term needs to minimize the need for significant rate increases.

A recommendation was made that, in accordance with Section 5473 of the Health and Safety Code, the Board instruct the District Clerk to publish newspaper notices to inform the public of the date, time, and place for a public hearing on the Service Charge Report, and the collection of the service charge on the property tax roll. Furthermore, a recommendation was made that a public hearing be set for June 28, 2023, at 1:30 p.m. in the District's Board Room at the Joint Administration Office, 1955 Workman Mill Road, Whittier, California. After the public hearing is closed, the Board must adopt the Service Charge Report to ensure collection of the service charge through property tax billing.

Upon motion of Director McOsker, duly seconded and unanimously carried by a roll-call vote, the *County Sanitation District No. 9 Service Charge Report for Fiscal Year 2023-24* was ordered filed with the Clerk of the District, and the Board does hereby fix June 28, 2023, at 1:30 p.m. as the date and time, and in the District's Board Room at the Joint Administration Office, 1955 Workman Mill Road, Whittier, California, as the place for a public hearing on *County Sanitation District No. 9 Service Charge Report for Fiscal Year 2023-24*, the proposed service charge and industrial wastewater surcharge rates, and the collection of the service charge on the property tax roll.

The Clerk of this Board shall cause notice of the filing of the Report and the time and place of the public hearing to be published once a week for two successive weeks in *The Daily Breeze*, a weekly newspaper, and in such other publications as are deemed appropriate by the Chief Engineer and General Manager.

Upon motion of Director McOsker, duly seconded and unanimously carried, the meeting adjourned.

Janice Hahn

JANICE HAHN
Chairperson

ATTEST:

Kimberly S. Christensen

KIMBERLY S. CHRISTENSEN
Secretary

/cc