

MINUTES OF THE REGULAR MEETING OF THE
BOARD OF DIRECTORS OF
COUNTY SANITATION DISTRICT NO. 8
HELD AT THE OFFICE OF THE DISTRICT
VIA TELECONFERENCE

October 13, 2021
1:30 o'clock, P.M.

The Board of Directors of County Sanitation District No. 8 of Los Angeles County met in regular session via teleconference.

There were present: Lula Davis-Holmes, Director from Carson
Emma Sharif, Director from Compton
Robert Garcia, Director from Long Beach
Hilda Solis, Director from Los Angeles County
Joe Buscaino, Chairperson, Alternate Director from Los Angeles City

Absent: None

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: DIRECTOR FROM CITY OF COMPTON A certificate from the City Clerk of the City of Compton was presented to the Secretary stating that at a meeting of the City Council held September 7, 2021, Ms. Emma Sharif was elected Mayor of the City of Compton, which is the designation of the presiding officer of the governing body of that city and automatically places Ms. Sharif on this Board.

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

RE: MINUTES Upon motion of Director Solis, duly seconded and unanimously carried by a roll-call vote, the minutes of the regular meeting held September 8, 2021, were approved.

RE: DISTRICT EXPENSES The following expenses for the month of July 2021 were presented and upon motion of Director Solis, duly seconded and unanimously carried by a roll-call vote, were approved:

Local District Expenses:	
Operations & Maintenance (O & M)	\$ 92,632.28
Capital	497,250.80
Allocated Expenses:	
Joint Administration	136,531.36
Technical Support	303,945.01
Joint Outfall	<u>623,641.69</u>
Total Expenses	<u>\$1,654,001.14</u>

RE: WASTEWATER MANAGEMENT 216TH STREET REPLACEMENT TRUNK SEWER PHASE 1 - LUCAS BUILDERS, INC. CONTRACT NO. 5170 - APPROVE CHANGE ORDERS NOS. 9 AND 10 - EXTRA WORK As part of the 216th Street Replacement Trunk Sewer Phase 1 (Project), the contractor was required to restore the street surface following the installation of the sewer pipe by slurry sealing the entire width of pavement along the project limits. During construction, the City of Carson (City) informed the Districts that slurry sealing the pavement would be inadequate and that the entire width of the street would have to be repaved instead. To comply with the City's requirements, the contractor was directed to grind the pavement down by 2 inches and

repave the entire width of the street along the project limits. Separately, during construction an 8-inch-diameter water line owned by Cal Water and located near the project limits ruptured and undermined the street filling the newly installed sewer pipe with soil and debris. The contractor was directed to remove the soil and debris from the sewer pipe and repair the pipe and street surface as necessary. Based on the timing and location of where the break occurred, the water line rupture could not be attributed to the contractor's work and the Districts will seek reimbursement from Cal Water for the cost of the repairs. This item is consistent with the Districts' Guiding Principles to protect financial and facility assets through prudent investment and maintenance programs; and the commitment to operational excellence (protection of public health and the environment, regulatory compliance, and cost effectiveness). The claims have been reviewed and the work determined to be beyond the scope of the plans and specifications. A recommendation was made to approve Change Order Nos. 9 and 10 to Contract No. 5170 with Lucas Builders, Inc., for construction of 216th Street Replacement Trunk Sewer Phase 1; resulting in total payment of \$534,815.97 for extra work.

Upon motion of Director Solis, duly seconded and unanimously carried by a roll-call vote, Change Orders Nos. 9 and 10 to Contract No. 5170 with Lucas Builders, Inc., for the construction of 216th Street Replacement Trunk Sewer Phase 1, resulting in a payment of \$534,815.97, was approved.

RE: FACILITIES PLANNING - SECOND AMENDMENT TO LEASE AGREEMENT PALOS VERDES PENINSULA TRANSIT AUTHORITY - CONTRACT NO. 4414B APPROVE

In 2008, the Districts leased vacant property at the Joint Water Pollution Control Plant (JWPCP) to Palos Verdes Peninsula Transit Authority (PVPTA) for parking of buses and employee vehicles. The lease agreement expires on November 30, 2021, and PVPTA desires to extend the term. The Districts does not have an

immediate need for the property. The proposed *Second Amendment to Lease Agreement* (Amendment) extends the term of the lease by five years and provides PVPTA one 5-year extension option; however, the lease can be terminated with a six-month notice. The monthly rent currently paid by PVPTA for use of the property represents fair market value and increases by 3 percent per year. On January 13, 2021, the Board of Directors of District No. 2 declared the property to be "exempt surplus land," pursuant to the provisions of the California Surplus Land Act, allowing the Districts to lease the property for commercial use pending its eventual use for Districts' operations. Staff has determined that approval of the Amendment is exempt or otherwise not subject to the provisions of the California Environmental Quality Act (CEQA) pursuant to California Public Resources Code Section 21084 and CEQA Guidelines Section 15301. As fee title holder of the property, District No. 8 must approve the Amendment, and District No. 2, as the administrative District, must approve the action by District No. 8. This item is consistent with the Districts' Guiding Principle to maximize use of our assets and resources (recycled water, recyclables, and energy). A recommendation was made to approve and order executed *Second Amendment to Lease Agreement* with Palos Verdes Peninsula Transit Authority for Districts' Property at the Joint Water Pollution Control Plant.

Upon motion of Director Solis, duly seconded and unanimously carried by a roll-call vote, an amendment to the agreement entered into with Palos Verdes Peninsula Transit Authority, Contract No. 4414, dated August 13, 2008, as amended November 9, 2011 (Contract No. 4414A), providing for the extension of the lease term by five years and provides one 5-year extension with the option to terminate the lease with a 6-months notice, as set forth therein, was approved. All the terms and conditions of the *Second Amendment to Lease Agreement*, Contract No. 4414B, dated October 13, 2021, were accepted and approved, and the Chairperson and Secretary were authorized to execute the Amendment on behalf of the District.

RE: RESOLUTION PROCLAIMING A LOCAL EMERGENCY, RATIFYING THE PROCLAMATION OF A STATE OF EMERGENCY ON MARCH 4, 2020 BY CALIFORNIA GOVERNOR GAVIN NEWSOM AND AUTHORIZING REMOTE TELECONFERENCE MEETINGS OF THE LEGISLATIVE BODY - FIND THAT NEED TO TAKE ACTION AROSE SUBSEQUENT TO POSTING OF AGENDA - ADOPT

ADDED ITEM - A recommendation was made to find that immediate need to take action arose subsequent to posting of the agenda pursuant to California Government Code Section 54954.2(b)(2); a proposed *Resolution of the Board of Directors of the County Sanitation District No. 8 of Los Angeles County Proclaiming a Local Emergency, Ratifying the Proclamation of a State of Emergency on March 4, 2020 by California Governor Gavin Newsom and Authorizing Remote Teleconference Meetings of the Legislative Bodies of the County Sanitation District No. 8 of Los Angeles County*, was

presented. The Governor's two executive orders (N-29-20 & N-08-21), under which the Districts have been conducting its teleconferenced board meetings, both expired on Thursday, September 30, 2021. Going forward, teleconferenced board 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 (Government Code section 54953(e)), at their first next meeting, each District must adopt, by majority vote, an initial resolution making certain findings

about the continuing COVID state of emergency and health and safety risks of conducting their board meeting in person. By statute, this Resolution and its referenced findings, are only legally valid for 30 days. A copy of the proposed Resolution was attached to the agenda. A recommendation was made to adopt the Resolution.

Upon motion of Director Solis, duly seconded and unanimously carried, the Board of Directors determined that there was a need to take immediate action, that the need for the action came to the attention of the District subsequent to the posting of the agenda pursuant to California Government Code Section 54954.2(b)(2).

Upon motion of Director Solis, duly seconded and unanimously carried, the following Resolution was adopted:

RESOLUTION OF THE BOARD OF DIRECTORS OF THE
COUNTY SANITATION DISTRICT NO. 8 OF LOS ANGELES COUNTY
PROCLAIMING A LOCAL EMERGENCY, RATIFYING THE PROCLAMATION
OF A STATE OF EMERGENCY ON MARCH 4, 2020
BY CALIFORNIA GOVERNOR GAVIN NEWSOM AND AUTHORIZING
REMOTE TELECONFERENCE MEETINGS OF THE LEGISLATIVE BODIES
OF THE COUNTY SANITATION DISTRICT NO. 8 OF LOS ANGELES COUNTY

WHEREAS, County Sanitation District No. 8 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 Centers for Disease Prevention and Control, in its publication “How to Protect Yourself & Others” updated August 13, 2021, have recommended social distancing practices, including staying 6 feet away from others and avoiding crowds and poorly ventilated spaces in order to protect individuals and others from COVID-19; and

WHEREAS, the County of Los Angeles Department of Public Health Order of the Health Officer issued September 17, 2021 (the “County Order”) includes a finding that the existing community transmission of COVID-19 in Los Angeles County remains high and continues to present a high risk of infection and harm to the health of those who are not and cannot be vaccinated against COVID-19 especially when there is an absence of capacity limits and physical distancing requirements for both indoor and outdoor settings. The County Order further finds that COVID-19 infection remains a significant health hazard to all residents; 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 who are not and cannot be vaccinated, and that COVID-19 infection remains a significant health hazard to all residents, has caused, and will continue to cause, conditions of peril to the safety of persons within the District that are likely to be beyond the control of services, personnel, equipment and facilities of the District, 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 COUNTY SANITATION DISTRICT NO. 8 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, there remains evidence of sustained and high community transmission rates of COVID-19 resulting in high risks of infection and harm to the health of those who are not and cannot be vaccinated against COVID-19, especially when there is an absence of capacity limits and physical distancing requirements for both indoor and outdoor settings, 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 (i) 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 County Sanitation District No. 8 of Los Angeles County this 13th day of October 2021 by the following vote:

AYES: Directors Davis-Holmes, Shariff, Garcia, Solis, and Buscaino

NOES: None

ABSENT: None

ABSTAIN: None

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

JOE BUSCAINO
Chairperson

ATTEST:

KIMBERLY S. CHRISTENSEN
Secretary

/mh