

MINUTES OF THE REGULAR MEETING OF THE  
BOARD OF DIRECTORS OF  
COUNTY SANITATION DISTRICT NO. 23  
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. 23 of Los Angeles County met in regular session via teleconference.

There were present: Crystal Larios, Director from Vernon  
Leticia Lopez, Director from Vernon  
Judith Merlo, Director from Vernon  
Melissa Ybarra, Director from Vernon  
William "Bill" Davis, Chairperson, Director from Vernon

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: MINUTES Upon motion of Director Ybarra, 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 Ybarra, duly seconded and unanimously carried by a roll-call vote, were approved:

Local District Expenses:	
Operations & Maintenance (O & M)	\$ 4,100.62
Allocated Expenses:	
Joint Administration	30,041.38
Technical Support	134,151.75
Joint Outfall	<u>136,421.62</u>
Total Expenses	<u>\$304,715.37</u>

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. 23 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. 23 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 Ybarra, 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 Ybarra, duly seconded and unanimously carried, the following Resolution was adopted:

RESOLUTION OF THE BOARD OF DIRECTORS OF THE  
COUNTY SANITATION DISTRICT NO. 23 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. 23 OF LOS ANGELES COUNTY

WHEREAS, County Sanitation District No. 23 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. 23 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. 23 of Los Angeles County this 13<sup>th</sup> day of October 2021 by the following vote:

AYES: Directors Larios, Lopez, Merlo, Ybarra, and Davis

NOES: None

ABSENT: None

ABSTAIN: None

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

ATTEST:

KIMBERLY S. CHRISTENSEN  
Secretary

WILLIAM "BILL" DAVIS  
Chairperson

/mh