

MINUTES OF THE ADJOURNED REGULAR MEETING
OF THE BOARD OF DIRECTORS OF
COUNTY SANITATION DISTRICT NO. 14
HELD AT THE OFFICE OF THE DISTRICT
VIA TELECONFERENCE

May 12, 2022
9:30 o'clock, A.M.

The Board of Directors of County Sanitation District No 14 of Los Angeles County met pursuant to adjournment as ordered by this Board of Directors at the Regular Meeting on April 27, 2022. A copy of the Order of Adjournment was posted as required by law and that proper affidavits of the posting are on file in the Secretary's office.

There were present: Steven Hofbauer, Director from Palmdale
Kathryn Barger, Alternate Director from Los Angeles County
Marvin Crist, Chairperson pro tem, Alternate Director from Lancaster

Absent: None

Also present: Kimberly S. Christensen, Secretary to the Board
Brant Dveirin, District Counsel

RE: PUBLIC COMMENT The Chairperson pro tem 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 Hofbauer, duly seconded and unanimously carried by a roll-call vote, the minutes of the adjourned meeting held March 10, 2022, were approved.

RE: DISTRICT EXPENSES The following expenses for the month of February 2022 were presented and upon motion of Director Hofbauer, duly seconded and unanimously carried by a roll-call vote, were approved:

Local District Expenses:	
Operations & Maintenance (O & M)	\$ 980,405.09
Capital	22,638.46
Allocated Expenses:	
Joint Administration	113,520.19
Technical Support	107,938.35
Legal	3,214.82
Total Expenses	<u>\$1,227,716.91</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. 14 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 teleconferenced 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, 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 the Director Hofbauer, duly seconded and unanimously carried by a roll-call vote, the following Resolution was adopted:

RESOLUTION OF THE BOARD OF DIRECTORS OF THE COUNTY SANITATION
DISTRICT NO. 14 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. 14 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 March 3, 2022 (the “County Order”) includes recommendations that all persons within the jurisdiction of the County of Los Angeles public health agency always practice required and recommended infection control measures when among others, especially in an indoor setting; 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. 14 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. 14 of Los Angeles County this 12th day of May 2022 by the following vote:

AYES: Three (3)

NOES: None

ABSTAIN: None

ABSENT: None

RE: APPROVE AND ACCEPT - NEGOTIATED EXCHANGE OF PROPERTY TAX REVENUES FOR ANNEXATION (OF TRACT) NO. 40-153 (34-44) - TO COUNTY WATERWORKS DISTRICT NO. 40

The Los Angeles County Waterworks District No. 40, Antelope Valley (Waterworks District) is proposing to annex territory located within the District's service area. The Revenue and Taxation Code requires that the District and other agencies that are already providing service to the territory, and are receiving property tax

revenue, adopt a joint resolution approving the amount of property tax revenue to be apportioned to the agency providing the new service. The apportionment is determined by the Los Angeles County Auditor-Controller. A map prepared by the Los Angeles County Department of Public Works showing the proposed annexation was attached to the agenda. Staff has determined that adoption of the joint resolution does not constitute a "Project" under the California Environmental Quality Act (CEQA) pursuant to California Public Resources Code Section 21065 and Title 14 of the California Code of Regulations ("CEQA Guidelines") Section 15378. A recommendation was made that the Board adopt a joint resolution approving and accepting negotiated exchange of property tax revenues resulting from Annexation 40-153 (34-44) Local Agency Formation Commission Designation 2021-02 to Los Angeles County Waterworks District No. 40, Antelope Valley (Waterworks District) affecting County of Los Angeles, Antelope Valley Cemetery District, Antelope Valley Mosquito and Vector Control District, Antelope Valley Resource Conservation District, City of Palmdale, Antelope Valley-East Kern Water Agency, and County Sanitation District No. 14.

The Chief Engineer and General Manager stated that this was a standard annexation by the Waterworks Districts to collect property tax revenue under the sharing resolution.

Upon motion of Director Barger, duly seconded and unanimously carried by a roll-call vote, the Board of Directors of County Sanitation District No. 14 of Los Angeles County does hereby approve the Joint Resolution of the governing bodies of the County of Los Angeles, Antelope Valley Cemetery District, Antelope Valley Mosquito and Vector Control District, Antelope Valley Resource Conservation District, City of

Palmdale, Antelope Valley-East Kern Water Agency, and County Sanitation District No. 14, and County Waterworks District No. 40 providing for the approval and acceptance of the negotiated exchange of property tax revenues resulting from the jurisdictional change identified as Annexation No. 40-153 (34-44) to County Waterworks District No. 40 and the Chairperson pro tem and Secretary were authorized to execute the Joint Resolution on behalf of the District.

RE: SERVICE CHARGE PROGRAM - HOLD
COMBINED PUBLIC HEARING ON SERVICE
CHARGE REPORT, PROPOSED SERVICE
CHARGE AND INDUSTRIAL WASTEWATER
SURCHARGE RATE ORDINANCES AND
COLLECTION ON TAX ROLL

Prior to meeting in regular session, as recorded in the Status Report presented to the Boards on this date, the Chief Engineer and General Manager discussed matters pertaining to the wastewater rates and the proposed ordinances. He stated that a letter and the Service Charge Report were attached to the agendas. He advised that next year, there is no rate increase. As previously

discussed, the District is able to hold rates steady.

In response to Director Hofbauer, the Chief Engineer and General Manager stated that employee negotiations would not impact the District's rates in the short-term.

In regular session, upon motion of Director Barger, the Chairperson opened a combined public hearing scheduled at this time and place on the Service Charge Report, service charge rates, industrial wastewater surcharge rates, connection fee rates, and collection of service charge on property tax roll for County Sanitation District No. 14 of Los Angeles County.

In accordance with Section 5473 of the Health and Safety Code of the State of California, the *County Sanitation District No. 14 Service Charge Report for Fiscal Year 2022-23*, was filed on February 10, 2022, and publication of two newspaper notices for today's public hearing were published in the *Antelope Valley Press*, a daily newspaper. The Service Charge Report addresses the continued collection of the service charge for the District on the tax roll. These charges are needed to supplement the District's existing revenue sources for the forthcoming fiscal year, as discussed in a letter to the Board, dated February 4, 2022, attached to the agenda, which also included copies of the proposed ordinances prescribing the service charge rates and mean loadings and providing for the collection of the service charge on the tax roll, industrial wastewater surcharge rates, and connection fee rates and mean loadings for fiscal year 2022-23.

The Chairperson pro tem announced this was the time for any questions or comments by members of the public. There being none, the Chairperson pro tem closed the public hearing.

RE: SERVICE CHARGE PROGRAM
ADOPT SERVICE CHARGE REPORT

Following the public hearing, upon motion of Director Barger, duly seconded and unanimously carried by a roll-call vote, the Board of Directors of County

Sanitation District No. 14 of Los Angeles County approved and adopted the *County Sanitation District No. 14 Service Charge Report for Fiscal Year 2022-23*, which was filed with the Clerk of the Board on February 10, 2022.

RE: WASTEWATER RATES
SERVICE CHARGE, INDUSTRIAL
WASTEWATER SURCHARGE, AND
CONNECTION FEE ORDINANCES
ADOPT - FIND EXEMPT FROM CEQA

The *Service Charge, Industrial Wastewater Surcharge, and Connection Fee Ordinances* (Ordinances) were presented for the Board's consideration. A recommendation was made to adopt the Ordinances. Copies of the proposed Ordinances prescribing the service charge rate and mean loadings and providing for collection of

the service charge on the tax roll, prescribing the industrial wastewater surcharge rates, and prescribing the connection fee rates accompanied the agenda.

Upon motion of Director Barger, duly seconded and unanimously carried by a roll-call vote, the following Ordinances were adopted by the following vote:

AYES: Directors Hofbauer, Barger, and Crist

NOES: None

ABSTAIN: None

ABSENT: None

An Ordinance Prescribing the Service Charge Rate and Mean Loadings per Unit of Usage for County Sanitation District No. 14 of Los Angeles County and Providing for the Collection of Such Charges on the Tax Roll.

An Ordinance Prescribing Industrial Wastewater Surcharge Rates for County Sanitation District No. 14 of Los Angeles County.

Furthermore, the Board found that adoption of the Ordinance is exempt from the California Environmental Quality Act 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, purchasing equipment, and funding capital projects necessary to maintain services within existing service areas; and that the proposed rate increases are for the purpose of (1) meeting operating expenses, including employee wage rates and fringe benefits, (2) purchasing or leasing supplies, equipment, or materials, (3) meeting financial reserve needs and requirements, or (4) obtaining funds for capital projects necessary to maintain service within existing service areas, 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.

The meeting was adjourned by the Chairperson pro tem.

MARVIN CRIST
Chairperson pro tem

ATTEST:

KIMBERLY S. CHRISTENSEN
Secretary

/ee