

MINUTES OF THE REGULAR MEETING OF THE
BOARD OF DIRECTORS OF
COUNTY SANITATION DISTRICT NO. 5
HELD AT THE OFFICE OF THE DISTRICT
VIA TELECONFERENCE

June 15, 2022
1:30 o'clock, P.M.

The Board of Directors of County Sanitation District No. 5 of Los Angeles County met in regular session via teleconference.

There were present: Chris Pimentel, Alternate Director from El Segundo
Tasha Cerda, Director from Gardena
Alex Monteiro, Alternate Director from Hawthorne
James Gazeley, Alternate Director from Lomita
Steve Napolitano, Director from Manhattan Beach
David McGowan, Alternate Director from Palos Verdes Estates
Heidi Ann Ashcraft, Alternate Director from Torrance
Barbara Ferraro, Alternate Director from Rancho Palos Verdes
Bill Brand, Director from Redondo Beach
Patrick Wilson, Alternate Director from Rolling Hills
Janice Hahn, Alternate Director from Los Angeles County

Absent: Daniel Lee, Director from Culver City
James T. Butts, Director from Inglewood
Robert Pullen-Miles, Director from Lawndale
Nury Martinez, Director from Los Angeles City
Frank Zerunyan, Director from Rolling Hills Estates

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

Upon motion of Director Gazeley, duly seconded and unanimously carried by a roll-call vote, Director Brand was elected Chairperson pro tem.

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 Monteiro, duly seconded and unanimously carried by a roll-call vote, the minutes of the regular meeting held May 18, 2022, were approved.

RE: DIRECTOR FROM CITY OF MANHATTAN BEACH A certificate from the City Clerk of the City of Manhattan Beach was presented to the Secretary stating that at a meeting of the City Council held June 7, 2022, Mr. Steve Napolitano was elected Mayor of the City of Manhattan Beach, which is the designation of the presiding officer of the governing body of that city and automatically places Mr. Napolitano on this Board.

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

RE: ALTERNATE DIRECTOR FROM CITY OF MANHATTAN BEACH A copy of an action taken by the City Council of the City of Manhattan Beach at a meeting held June 7, 2022, was presented to the Secretary stating that Mr. Richard Montgomery, a member of the City Council of the City of Manhattan Beach, was appointed to serve as alternate Director from the city.

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

RE: DISTRICT EXPENSES

The following expenses for the month of April 2022 were presented and upon motion of Director Monteiro, duly seconded and unanimously carried by a roll-call vote, were approved:

Local District Expenses:	
Operations & Maintenance (O & M) Local District Sewers	\$ 232,771.38
Capital	32,481.64
Allocated Expenses:	
Joint Administration	533,085.13
Technical Support	520,309.47
Joint Facilities	2,628,976.37
Allocated Capital Expenses:	
Joint Administration	47,587.37
Technical Support	16,420.07
Total Expenses	<u>\$4,011,631.43</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. 5 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 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 Monteiro, 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. 5 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, County Sanitation District No. 5 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, and 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 COUNTY SANITATION DISTRICT NO. 5 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 indoor settings and particularly for individuals who, due to vaccine status or underlying health conditions, continue to be at risk for sever 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 County Sanitation District No. 5 of Los Angeles County this 15th day of June 2022 by the following vote:

AYES: Eleven (11)

NOES: None

ABSTAIN: None

ABSENT: Five (5)

RE: APPROPRIATIONS LIMIT
FOR FISCAL YEAR 2022-23
ESTABLISH AND ADOPT

A letter discussing 2022-23 fiscal year budgetary matters accompanied the agenda. The Government Code requires the governing body of each local jurisdiction to establish, by resolution, an appropriations limit for each fiscal year. The documentation used in the determination of the appropriations limits must be available 15 days prior to this action being taken. The method by which the Districts’ appropriations limits were calculated has been available to the public at the Districts’ Joint Administration Office since May 23, 2022, and was provided to the Directors with the letter of June 3, 2022, mailed with the agenda. 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.

The appropriations limit for fiscal year 2022-23 has been determined by adjusting the previous fiscal year’s limits using the factors specified in the Government Code. The appropriations limit has also been adjusted to include mandated costs, all in accordance with the procedures outlined in Article XIII B of the Constitution and Section 7910 of the Government Code. A recommendation was made that, in order to comply with legal requirements, this Board adopt an appropriations limit of \$58,436,989 for fiscal year 2022-23.

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

BE IT RESOLVED, that pursuant to Section 7910 of the Government Code of the State of California, the Board of Directors of County Sanitation District No. 5 of Los Angeles County does hereby establish and adopt an appropriations limit of \$58,436,989 for fiscal year 2022-23, utilizing the population change and the change in the personal per capita income.

RE: BUDGET 2022-23
OPERATING FUND

In a letter dated June 3, 2022, to the Board, matters were discussed pertaining to the budget for the 2022-23 fiscal year. A sewerage system final budget for the 2022-23

fiscal year was presented and a recommendation was made that the budget be adopted.

Upon motion of Director Monteiro, duly seconded and unanimously carried by a roll-call vote, the sewerage system final budget for 2022-23 was approved, adopted, and order filed.

RE: TAX LEVY
OPERATING FUND

Data for the tax levy necessary for the Operating Fund was presented and a recommendation was made that the tax levy be requested in accordance therewith.

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

BE IT HEREBY DETERMINED, RESOLVED, AND ORDERED AS FOLLOWS:

That pursuant to the provisions of Article 6, Section 4815 of the County Sanitation District Act (Chapter 3, Part 3, Division V, of the Health & Safety Code of the State of California), the Board of Directors of County Sanitation District No. 5 of Los Angeles County does hereby find and declare that the sum of \$14,911,000 is and will be the amount necessary to maintain, operate, extend, or repair any work or improvements of the District for the collection, treatment, and disposal of sewage, and to defray all other expenses incidental to the exercise of any of the District’s powers, except the amounts necessary to acquire, construct, maintain, and operate a refuse transfer or disposal system, or both, and any other expenses incidental to the operation of the system during the ensuing year and prior to the annual levy of taxes for the fiscal year 2023-24, and the Board of Supervisors of Los Angeles County is hereby requested to cause to be levied and collected at the same time and in the same manner as the next general tax levy for the County a tax upon the real

property in the District, in an amount sufficient to raise the required amount, to wit: \$14,911,000, to be paid into the County Treasury to the credit of the Operating Fund of the District.

The Secretary is hereby instructed to furnish a copy of this resolution and statement to the Board of Supervisors of Los Angeles County at least fifteen (15) days before the first day of September 2022.

RE: APPROPRIATIONS
OPERATING FUND 2022-23

Upon motion of Director Monteiro, duly seconded and unanimously carried by a roll-call vote, the appropriations from the Operating Fund for Fiscal Year 2022-23 were ordered made as shown in the Operating Fund Final Wastewater Budget that was attached to the agenda.

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

BILL BRAND
Chairperson pro tem

ATTEST:

KIMBERLY S. CHRISTENSEN
Secretary

/ee