

MINUTES OF THE REGULAR MEETING  
OF THE BOARD OF DIRECTORS OF  
COUNTY SANITATION DISTRICT NO. 28  
HELD AT THE OFFICE OF THE DISTRICT  
VIA TELECONFERENCE

May 25, 2022  
1:30 o'clock, P.M.

The Board of Directors of County Sanitation District No. 28 of Los Angeles County met in regular session via teleconference.

There were present: Jonathan Curtis, Director from La Cañada Flintridge  
Keith Eich, Director from La Cañada Flintridge  
Richard B. Gunter III, Director from La Cañada Flintridge  
Teresa "Terry" Walker, Director from La Cañada Flintridge  
Michael T. Davitt, Chairperson, Director from La Cañada Flintridge

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 Eich, duly seconded and unanimously carried by a roll-call vote, the minutes of the regular meeting held April 27, 2022, were approved.

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

Local District Expenses:	
Operations & Maintenance (O & M)	\$ 1,858.98
Allocated Expenses:	
Joint Administration	10,345.15
Technical Support	6,763.64
Joint Outfall	47,450.00
Total Expenses	<u>\$66,417.77</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 *A Resolution of the Board of Directors of the County Sanitation District No. 28 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 Eich, 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. 28 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. 28 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. 28 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. 28 of Los Angeles County this 25<sup>th</sup> day of May 2022 by the following vote:

AYES: Five (5)

NOES: None

ABSTAIN: None

ABSENT: None

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

aggregate, approximately 1,093,000 notices were mailed and 58 protests were received, which is a relatively low amount.

The Board meeting today includes an item on its agenda to hold a public hearing regarding matters pertaining to the wastewater rates and the proposed ordinances. All Districts are setting new rates. There are rate increases in some Districts and other Districts either have no change or a decrease in rates. Many ratepayers received Proposition 218 notices that included a protest form. In

Upon motion of Director Eich, duly seconded and unanimously carried by a roll-call vote, 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. 28 of Los Angeles County. Proposition 218 notices regarding the service charge rates were mailed to 3,726, residential, commercial, small industrial parcels, and large industrial customers, and the District was contacted by zero property owners, which submitted Proposition 218 protest forms. Copies of the forms in opposition to the proposed increase were distributed to the Directors.

In accordance with Section 5473 of the Health and Safety Code of the State of California, the *County Sanitation District No. 28 Service Charge Report for Fiscal Year 2022-23*, was filed on February 23, 2022, and publication of two newspaper notices for today's public hearing were published in the *Los Angeles Times*, 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 announced this was the time for any questions or comments by members of the public. There being none, the Chairperson closed the public hearing.

RE: SERVICE CHARGE PROGRAM  
ADOPT SERVICE CHARGE REPORT

Following the public hearing, upon motion of Director Eich, duly seconded and unanimously carried

by a roll-call vote, the Board of Directors of County Sanitation District No. 28 of Los Angeles County approved and adopted the *County Sanitation District No. 28 Service Charge Report for Fiscal Year 2022-23*, which was filed with the Clerk of the Board on February 23, 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 Eich, duly seconded and unanimously carried by a roll-call vote, the following Ordinances were adopted by the following vote:

AYES: Directors Curtis, Eich, Gunter, Walker, and Davitt

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. 28 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. 28 of Los Angeles County.*

*An Ordinance Prescribing the Connection Fee Rate and Mean Loadings per Unit of Usage for County Sanitation District No. 28 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.

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

MICHAEL T. DAVITT  
Chairperson

ATTEST:

KIMBERLY S. CHRISTENSEN  
Secretary

/ee