

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

October 19, 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 T. Butts, Director from Inglewood
Robert Pullen-Miles, Director from Lawndale
James Gazeley, Alternate Director from Lomita
Steve Napolitano, Director from Manhattan Beach
David McGowan, Alternate Director from Palos Verdes Estates
Patrick Wilson, Alternate Director from Rolling Hills
Frank Zerunyan, Director from Rolling Hills Estates
George Chen, Director from Torrance
Janice Hahn, Alternate Director from Los Angeles County

Absent: Daniel Lee, Director from Culver City
Nury Martinez, Director from Los Angeles City
David Bradley, Director from Rancho Palos Verdes
Bill Brand, Chairperson, Director from Redondo Beach

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

Upon motion of Director Monteiro, duly seconded and unanimously carried by a roll-call vote, Director Zerunyan 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 September 21, 2022, were approved.

RE: DISTRICT EXPENSES The following expenses for the month of July 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	\$ 5,244.09
Allocated Expenses:	
Technical Support	94.06
Joint Facilities	2,935,159.93
Total Expenses	<u>\$2,940,498.08</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 of COVID-19 emergency, will be conducted under the provisions of AB 361 which added California

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

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 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 County Sanitation District No. 5 of Los Angeles County this 19th day of October 2022 by the following vote:

AYES: Twelve (12)

NOES: None

ABSTAIN: None

ABSENT: Four (4)

RE: TECHNICAL SERVICES - CALIFORNIA REGIONAL WATER QUALITY BOARD - LOS ANGELES REGION, ADMINISTRATIVE CIVIL LIABILITY COMPLAINTS RELATING TO SSO EVENT ID NO. 878549 - CONFERENCE WITH LEGAL COUNSEL - POTENTIAL LITIGATION DISCUSS

This matter is related to pending and ongoing discussions with the Los Angeles Regional Water Quality Board regarding a sewer spill that occurred December 2021 and discharged to the Dominguez Channel.

District Counsel advised that it would be in the interest of the District to meet in closed session pursuant to Section 54956.9(d)(2) of the California Government Code

Conference with Legal Counsel-Potential Litigation to confer on the matter of California Regional Water Quality Board - Los Angeles Region, Administrative Civil Liability Complaints Relating to SSO Event ID No. 878549.

The Chairperson pro tem took the Board of Directors of County Sanitation District No. 5 of Los Angeles County into joint closed session with the Board of Directors of the South Bay Cities Sanitation of Los Angeles County, at 1:44 p.m. pursuant to Government Code Section 54956.9(d)(2) of the California Government Code *Conference with Legal Counsel-Potential Litigation* to confer on the matter referred by District Counsel.

The Chairperson pro tem reconvened the meeting in regular session at 2:15 p.m. District Counsel advised that no action was taken that requires disclosure pursuant to Government Code Section 54957.1.

RE: TECHNICAL SERVICES
WESTLAKE FARMS, INC. V. COUNTY
SANITATION DISTRICT NO. 2, SAN LUIS
OBISPO COUNTY SUPERIOR COURT CASE
NO. 16CV-0244; CEIL HOWE JR. V. COUNTY
SANITATION DISTRICT NO. 2, SAN LUIS
OBISPO COUNTY SUPERIOR COURT CASE
NO. 16CV-0283; AND COUNTY SANITATION
DISTRICT NO. 2 V. WESTLAKE FARMS ET AL.,
COURT OF APPEAL, SECOND APPELLATE
DISTRICT, CASE NO. B322095 - CONFERENCE
WITH LEGAL COUNSEL - EXISTING
LITIGATIONS - DISCUSS

District Counsel advised that it would be in the interest of the District to meet in closed session pursuant to Section 54956.9(d)(1) of the California Government Code *Conference with Legal Counsel-Existing Litigation* to confer on the matter of Westlake Farms, Inc. v. County Sanitation District No. 2, San Luis Obispo County Superior Court Case No. 16CV-0244; Ceil Howe Jr. v. County Sanitation District No. 2, San Luis Obispo County Superior Court Case No. 16CV-0283; and County Sanitation District No. 2 v. Westlake Farms et al., Court of Appeal, Second Appellate District, Case No. B322095.

The Chairperson pro tem took the Board of Directors of County Sanitation District No. 5 of Los Angeles County into joint closed session with the Board of Directors of the South Bay Cities Sanitation District of Los Angeles County, at 1:44 p.m. pursuant to Government Code Section 54956.9(d)(2) of the California Government Code *Conference with Legal Counsel-Potential Litigation* to confer on the matter referred by District Counsel.

The Chairperson pro tem reconvened the meeting in regular session at 2:15 p.m. District Counsel advised that no action was taken that requires disclosure pursuant to Government Code Section 54957.1.

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

FRANK ZERUNYAN
Chairperson pro tem

ATTEST:

KIMBERLY S. CHRISTENSEN
Secretary

/drs