

MINUTES OF THE REGULAR MEETING  
OF THE BOARD OF DIRECTORS OF  
COUNTY SANITATION DISTRICT NO. 22  
HELD AT THE OFFICE OF THE DISTRICT  
VIA TELECONFERENCE

October 26, 2022  
1:30 o'clock, P.M.

The Board of Directors of County Sanitation District No. 22 of Los Angeles County met in regular session via teleconference.

There were present: Tom Beck, Director from Arcadia  
Robert Gonzales, Director from Azusa  
Richard Barakat, Alternate Director from Bradbury  
Karen Davis, Director from Glendora  
Larry Burrola, Director from Irwindale  
Tim Hepburn, Director from La Verne  
Becky Shevlin, Director from Monrovia  
Emmett Badar, Director from San Dimas  
Allen Wu, Director from Walnut  
Rosario Diaz, Alternate Director from West Covina  
Holly Mitchell, Director from Los Angeles County  
Margaret E. Finlay, Chairperson, Director from Duarte

Absent: Emmanuel Estrada, Director from Baldwin Park  
Patricia Cortez, Director from Covina

Also present: Denise Springer, Deputy 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 Barakat, duly seconded and carried by a roll-call vote, the minutes of the regular meeting held September 28, 2022, were approved.

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

Local District Expenses:	
Operations & Maintenance	\$ 8,801.30
Allocated Expenses:	
Technical Support	45.05
Joint Outfall	<u>1,405,916.94</u>
Total Expenses	<u>\$1,414,763.29</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. 22 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 Barakat, duly seconded and carried by a roll-call vote, the following Resolution was adopted:

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE  
COUNTY SANITATION DISTRICT NO. 22 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. 22 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. 22 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. 22 of Los Angeles County this 26<sup>th</sup> day of October 2022 by the following vote:

AYES: Twelve (12)

NOES: None

ABSTAIN: None

ABSENT: Two (2)

RE: ANNEXATION NO. 438  
RESOLUTIONS AUTHORIZING  
APPLICATION TO LOCAL AGENCY  
FORMATION COMMISSION AND  
APPROVING NEGOTIATED  
EXCHANGE OF PROPERTY  
TAX REVENUES - ADOPT

Annexation No. 438 consists of one existing single-family home in the City of West Covina. Each annexation to the District's service area requires adoption of two resolutions by the Board. The first resolution authorizes submittal of the annexation application to Local Agency Formation Commission (LAFCO) and consents to a waiver of the LAFCO protest hearing. The second resolution is a joint

resolution with agencies that already provide services to the proposed annexation territory, agreeing to the amount of property tax revenue that will be apportioned to the District in accordance with the Revenue and Taxation Code. A data sheet, map, and Notice of Finding were attached to the agenda. A recommendation was made that the Board adopt a resolution for making application to Local Agency Formation Commission (LAFCO) for annexation and consent to waiver of protest proceedings. Furthermore, a recommendation was made that the Board adopt a joint resolution with County of Los Angeles, City of West Covina, and Upper San Gabriel Valley Municipal Water District approving and accepting negotiated exchange of property tax revenues resulting from annexation.

Upon motion of Director Barakat, duly seconded and unanimously carried by a roll-call vote, the Board of Directors of County Sanitation District No. 22 of Los Angeles County does hereby approve the Joint Resolution of the Board of Supervisors of the County of Los Angeles, the governing bodies of the City of West Covina and Upper San Gabriel Valley Municipal Water District, and this Board of Directors, approving and accepting the negotiated

exchange of property tax revenues resulting from Annexation No. 438 to the District, a copy of which is on file at the Office of the District and by reference incorporated herein as though fully set forth; and the Chairperson and Secretary are authorized to execute the Joint Resolution on behalf of the District. Furthermore, the following resolution was adopted:

### RESOLUTION

WHEREAS, the Board of Directors of County Sanitation District No. 22 of Los Angeles County, hereinafter referred to as "District", desires to (not) commence proceedings for the annexation to District of certain territory, described in Exhibit "A", attached hereto and by reference incorporated as a part hereof; and

WHEREAS, said Board of Directors does hereby certify that it has reviewed and considered the environmental documents submitted for the proposed annexation and found said environmental documents to be adequate;

NOW, THEREFORE, said Board of Directors does HEREBY RESOLVE, FIND, AND DECLARE as follows:

1. Application and a proposal is hereby made to the Local Agency Formation Commission of Los Angeles County for a change of organization as follows:
  - (a) This proposal is made pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 commencing with Section 56000, Government Code, State of California.
  - (b) The nature of the proposed change of organization and the name of the District for which such change of organization is proposed are as follows:

The annexation of the territory described in Exhibit "A" hereof to County Sanitation District No. 22 of Los Angeles County.
  - (c) The names of all other affected counties, Districts, or cities are as follows:

Counties: None

Districts: None

Cities: Arcadia, Azusa, Baldwin Park, Bradbury, Covina, Duarte, Glendora, Irwindale, La Verne, Monrovia, San Dimas, Walnut and West Covina
  - (d) The territory is uninhabited. A description of the exterior boundaries of such territory is set forth in Exhibit "A" hereof.
  - (e) It is desired that the proposed annexation provide for and be made subject to the following terms and conditions:
    - (1) The retention by District of the deposited sum of \$4,300.00 as the fee required by the Board of Directors for said annexation.
    - (2) The negotiated exchange of property tax revenues between affected agencies resulting from said annexation to District.
  - (f) The reasons for this proposal are as follows:
    - (1) The District is empowered to and is engaged in providing sewerage facilities which can best serve the territory proposed to be annexed with sewage disposal service. Based on the information provided by the property owners, the District's sewerage facilities have or, in accordance with current policy, will have adequate capacity to collect, treat, and dispose of the wastewater anticipated to be generated on the subject property. Actual sewer hook-up will not be allowed until payment of the connection fee and shall be subject to all circumstances then existent including the availability of capacity. Disposal of the treated wastewater will be in accordance with waste discharge permits issued by the appropriate California Regional Water Quality Control Board.

- (2) Said territory consists of one existing single-family home, and the property owners have requested in writing that the territory be provided with sewage disposal service.
  - (3) Said territory must be annexed to District before sewage disposal service is provided.
  - (g) This proposal is consistent with the sphere of influence of the District.
  - (h) In accordance with the requirements of California Health & Safety Code Section 4830, the territory subject to this annexation will benefit from the annexation.
  - (i) It is hereby requested that proceedings be taken for the change of organization proposed, according to the terms and conditions stated above and in a manner provided by the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000.
- 2. Said District consents to waiver of protest proceedings pursuant to Section 56663 of the Government Code.
  - 3. The Clerk of the District is hereby authorized and directed to file a certified copy of this resolution with the Executive Officer of the Local Agency Formation Commission of Los Angeles County.

Upon motion of Director Barakat, duly seconded and unanimously carried, the meeting adjourned to Monday, November 14, 1:30 p.m., via teleconference at the District Office, 1955 Workman Mill Road, Whittier, California.

MARGARET FINLAY  
Chairperson

ATTEST:

DENISE SPRINGER  
Deputy Secretary

/drs