

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

November 14, 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: Keith Eich, Director from La Cañada Flintridge  
 Michael T. Davitt, Chairperson, Director from La Cañada Flintridge  
 Teresa "Terry" Walker, Director from La Cañada Flintridge

Absent: Kim Bowman, Director from La Cañada Flintridge  
 Richard B. Gunter III, Director from La Cañada Flintridge

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 Eich, duly seconded and unanimously carried by a roll-call vote, the minutes of the regular meeting held October 26, 2022, were approved.

RE: DISTRICT EXPENSES  
 The following expenses for the month of August 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)	\$ 266.14
Allocated Expenses:	
Technical Support	(1.04)
Joint Outfall	<u>(2,554.71)</u>
Total Expenses	<u><u>\$(2,289.61)</u></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 September 22, 2022 (the “County Order”) includes recommendations for the protection of persons with elevated risk factors for severe health outcomes due to COVID-19 infection; 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 14<sup>th</sup> day of November 2022 by the following vote:

AYES: Three (3)

NOES: None

ABSTAIN: None

ABSENT: Two (2)

RE: FACILITIES PLANNING  
INTRODUCE AN ORDINANCE PRESCRIBING  
FEES FOR THE ANNEXATION OF TERRITORY

A proposed *An Ordinance Prescribing Fees for the Annexation of Territory to County Sanitation District No. 28 of Los Angeles County* (Ordinance) was presented to the Board for consideration and introduction.

Properties outside the jurisdictional boundary of the District must be annexed to the District before sewerage service can be provided. The cost of processing the annexation application is borne by the applicant pursuant to the District's existing Master Annexation Fee Ordinance and Annexation Fee Rate Ordinance (Existing Ordinances), which were both adopted in 2007. The current method of calculating the fee is a tiered acreage-based approach. However, this method results in inequities in certain circumstances. Furthermore, the cost to process an annexation application does not vary significantly between a large or small property. The proposed ordinance, which is attached, supersedes the Existing Ordinances and establishes a flat fee of \$2,000 per annexation application, which is more equitable and representative of the actual cost to process each annexation. In October 2022, the Personnel Committee, comprised of the Chairs of all active Districts, unanimously endorsed the proposed ordinance. This item is consistent with the Districts' Guiding Principles of commitment to continual improvement; and commitment to fiscal responsibility and prudent financial stewardship. A copy of the Ordinance accompanied the agenda. A recommendation was made to waive the reading of the Ordinance in its entirety.

Upon motion of Director Eich, duly seconded and unanimously carried by a roll-call vote, *An Ordinance Prescribing Fees for the Annexation of Territory to County Sanitation District No. 28 of Los Angeles County* (Ordinance) was introduced, and after reading of the title thereof, further reading of the Ordinance was waived.

RE: JOINT ADMINISTRATION  
PURCHASING POLICY, INVESTMENT  
POLICY, DEBT MANAGEMENT POLICY,  
WASTEWATER FINANCIAL RESERVE  
POLICY, AND JOINT OUTFALL SYSTEM  
FINANCIAL RESERVE POLICY - ADOPT

As part of the continuing effort to ensure the Districts follows best practices as it relates to financial matters, revisions to certain policies are being recommended. First, sound Investment, Debt Management, and Financial Reserve Policies are crucial to maintaining the Districts' financial stability, and changes are being proposed to the existing policies to ensure consistency

across the Districts, ensure transparency in Districts' finances, and improve the Districts' investment performance. Second, the Districts' Purchasing Policy establishes rules for purchase of materials, supplies,

equipment, services, and construction projects. Proposed revisions to the policy clarify certain provisions, ensure current practices are incorporated into the policy, and add provisions for related business practices. In October 2022, the Personnel Committee, comprised of the Chairs of all of the active Districts, unanimously endorsed the proposed revisions. A letter summarizing these proposed changes is attached. Links to the policies showing proposed revisions can be found on the posted agenda on the Districts' website ([www.lacsd.org](http://www.lacsd.org)). 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. A recommendation was made that the Purchasing Policy, Investment Policy, Debt Management Policy, Wastewater Financial Reserve Policy, and Joint Outfall System Financial Reserve Policy be approved and adopted.

Upon motion of Director Eich, duly seconded and unanimously carried by a roll-call vote, the Purchasing Policy, Investment Policy, Debt Management Policy, Wastewater Financial Reserve Policy, and Joint Outfall System Financial Reserve Policy were considered, approved, and adopted.

Upon motion of Director Eich, duly seconded and unanimously carried, the meeting adjourned to Monday, December 19, 1:30 p.m., via teleconference at the District Office, 1955 Workman Mill Road, Whittier, California.

MICHAEL DAVITT  
Chairperson

ATTEST:

DENISE R. SPRINGER  
Deputy Secretary

/drs