



**SPECIAL NOTICE REGARDING
CORONAVIRUS DISEASE 2019 (COVID-19)
AND PARTICIPATION IN PUBLIC MEETINGS**

On March 4, 2020, Governor Newsom declared a State of Emergency resulting from the threat of COVID-19. On September 16, 2021, Governor Newsom signed Assembly Bill No. 361 into law. Assembly Bill No. 361 amends Government Code section 54953(e) by adding provisions for remote teleconferencing participation in meetings by members of a legislative body, without the requirements of Government Code section 54953(b)(3), subject to the existence of certain conditions. The Upper Santa Ana River Watershed Financing Authority adopted a resolution determining, by majority vote, that, as a result of the declared State of Emergency, a meeting in person would present imminent risks to the health or safety of attendees. Accordingly, it has been determined that all meetings of the San Bernardino Valley Municipal Water District will be held pursuant to the Brown Act and will be conducted via teleconference. There will be no public access to the meeting venue.

**MEETING OF THE
UPPER SANTA ANA RIVER
WATERSHED INFRASTRUCTURE FINANCING AUTHORITY
WEDNESDAY, DECEMBER 1, 2021 – 8:30 am**

PUBLIC PARTICIPATION

Public participation is welcome and encouraged. You may participate in the December 1, 2021, meeting of the Upper Santa Ana River Watershed Financing Authority online and by telephone as follows:

**Dial-in Info: (877) 853 5247 US Toll-free
Meeting ID: 818 8828 6875
PASSCODE: 3802020**

<https://sbvmwd.zoom.us/j/81888286875>

If you are unable to participate online or by telephone, you may also submit your comments and questions in writing for consideration by sending them to comments@sbvmwd.com with the subject line "Public Comment Item #" (insert the agenda item number relevant to your comment) or "Public Comment Non-Agenda Item". Submit your written comments by 6:00 p.m. on Tuesday, November 30, 2021. All public comments will be provided to the Executive Director and may be read into the record or compiled as part of the record.

IMPORTANT PRIVACY NOTE: Participation in the meeting via the Zoom app is strongly encouraged. Online participants MUST log in with a Zoom account. The Zoom app is a free download. Please keep in mind: (1) This is a public meeting; as such, the virtual meeting information is published on the World Wide Web and available to everyone. (2) Should you participate remotely via telephone, your telephone number will be your "identifier" during the meeting and available to all meeting participants; there is no way to protect your privacy if you elect to call in to the meeting.



Agenda

**UPPER SANTA ANA RIVER WATERSHED
INFRASTRUCTURE FINANCING AUTHORITY**
380 East Vanderbilt Way, San Bernardino, CA 92408

WEDNESDAY, DECEMBER 1, 2021

CALL TO ORDER/PLEDGE OF ALLEGIANCE

1. PUBLIC COMMENT

Any person may address the Board on matters within its jurisdiction.

2. APPROVAL OF MINUTES

- 2.1 November 17, 2021, Meeting(Page 3)
[Watershed Connect Minutes 20211117](#)

3. DISCUSSION AND POSSIBLE ACTION ITEMS

- 3.1 Consider Resolution authorizing the Joint Powers Authority to conduct remote meetings for the period December 1, 2021, through December 31, 2021(Page 8)
[Staff Memo - Consider Resolution authorizing the Joint Powers Authority to conduct remote meetings for the period December 1, 2021, through December 31, 2021](#)
[Resolution No. 002](#)

4. REPORTS (Discuss and Possible Action)

- 4.1 Technical Advisory Committee Report

5. ANNOUNCEMENTS

6. ADJOURNMENT

PLEASE NOTE: Materials related to an item on this Agenda submitted to the Board after distribution of the agenda packet are available for public inspection in the District's office located at 380 E. Vanderbilt Way, San Bernardino, during normal business hours. Also, such documents are available on the District's website at www.sbvmd.com subject to staff's ability to post the documents before the meeting. The District recognizes its obligation to provide equal access to those individuals with disabilities. Please contact Melissa Zoba at (909) 387-9228 two working days prior to the meeting with any special requests for reasonable accommodation.

MINUTES OF THE UPPER SANTA ANA RIVER WATERSHED INFRASTRUCTURE FINANCING AUTHORITY

Regular Meeting of the Board of Directors | November 17, 2021

ROLL CALL

| Member Agency | Director | Attendance |
|---|-----------------|------------|
| San Bernardino Valley Municipal Water District | Paul Kielhold | Present |
| Yucaipa Valley Water District | Lonni Granlund | Present |
| San Bernardino Valley Water Conservation District | Daniel Cozad | Present |
| San Bernardino Municipal Water Department | Miguel Guerrero | Present |

| Member Agency | | Attendance |
|---|-------------------------------------|------------|
| San Bernardino Valley Municipal Water District | T. Milford Harrison, Treasurer | Present |
| San Bernardino Municipal Water Department | Cecilia Callicott, Alternate | Absent |
| San Bernardino Valley Municipal Water District | Gil Botello, Alternate | Present |
| San Bernardino Valley Water Conservation District | Betsy Miller, Alternate | Absent |
| Yucaipa Valley Water District | Nyles O'Harra, Alternate | Present |
| San Bernardino Valley Municipal Water District | Heather Dyer, Executive Director | Present |
| San Bernardino Valley Municipal Water District | Jose Macedo, Secretary | Present |

| Staff Present | Agency |
|-------------------|---|
| Kristeen Farlow | San Bernardino Valley Municipal Water District |
| Anthony Flordelis | San Bernardino Valley Municipal Water District |
| Adekunle Ojo | San Bernardino Valley Municipal Water District |
| Cindy Saks | San Bernardino Valley Municipal Water District |
| Melissa Zoba | San Bernardino Valley Municipal Water District |
| Katelyn Scholte | San Bernardino Valley Water Conservation District |
| Jennifer Ares | Yucaipa Valley Water District |

| | |
|---------------|-------------------------------|
| Madeline Blua | Yucaipa Valley Water District |
| Chris Mann | Yucaipa Valley Water District |
| Joseph Zoba | Yucaipa Valley Water District |
| Scott Heil | Varner & Brandt |

| | |
|-----------------------|-------------------------------|
| Others in Attendance: | |
| Jeff Herrin | AECOM |
| Joyce McIntire | Yucaipa Valley Water District |

CALL TO ORDER

The Regular Meeting of the Upper Santa Ana River Watershed Infrastructure Financing Authority (USAR WIFA) was called to order by Chair Paul Kielhold at 8:30 a.m. Chair Kielhold led the Pledge of Allegiance. A quorum was noted present by roll call.

1. PUBLIC COMMENT

Chair Kielhold stated that any member of the public wishing to make any comments to the Authority may do so. There was no comment.

2. APPROVAL OF MINUTES

Action: The minutes of the November 3, 2021 meeting were approved by the following roll-call vote:

| | | |
|--------------|-------------------------------------|---------------|
| MOVED: Cozad | SECONDED: Guerrero | APPROVED: 4-0 |
| AYES: | Cozad, Granlund, Guerrero, Kielhold | |
| NOES: | | |
| ABSTAIN: | | |
| ABSENT: | | |

3. DISCUSSION AND POSSIBLE ACTION ITEMS

- 3.1 Consider authorizing the executive director to enter into a Consulting Services Agreement with AECOM for Watershed Connect Loan Application(s) and Implementation Plan

SBVMWD Water Resources Manager Adekunle Ojo advised the Board this item was discussed and recommended by the Technical Advisory Committee (TAC). AECOM was hired by the project stakeholders to prepare the Letter of Interest for the WIFIA application, he noted, and with WSC, did an excellent job of getting it submitted to the Environmental Protection Agency. Since then, the Board hired Stradling Yocca Carlson & Rauth, LLP as bond counsel, Varner Brandt for General Counsel services, and Feldman Rolapp & Associates for financial advisory services. Although not hired, AECOM has been used for additional services as there is still available funding in the existing contract.

Mr. Ojo reviewed the AECOM proposal to continue work, including preparation of the implementation plan, program administration, and other tasks for a total of \$912,260. He reminded the Board that agency staff is limited, and pointed out additional optional tasks as needed including engineering, total \$249,782. He stated that based on the experience with the LOI, that budget may not be entirely spent.

If approved, Mr. Ojo continued, the time and materials agreement would be effective immediately, terminating in June 2024. Costs would be allocated between agencies, he said, and explained the value of participation. He refreshed the Board with a brief overview of the Watershed Connect program and costs and pointed out that if all contract funds are spent, it would represent approximately 0.32 percent of the Phase 1 estimated costs. He advised that there could be technical and clerical changes to the agreement prior to execution.

Director Guerrero noted projects are included for the City of Colton, which is not yet a party to the Joint Powers Authority. He asked about reduction of consultant hours if the City does not join. Mr. Ojo responded that cost allocation has been tracked and Colton will be on the hook for the cost of the LOI, but if they choose not to proceed, and there are no services provided to Colton, then Colton will not owe anything.

Action: The Board authorized the Executive Director to enter into a Consulting Services Agreement with AECOM for Watershed Connect Loan Application(s) and implementation Plan by the following roll-call vote:

| | | |
|-----------------|-------------------------------------|---------------|
| MOVED: Granlund | SECONDED: Cozad | APPROVED: 4-0 |
| AYES: | Cozad, Granlund, Guerrero, Kielhold | |
| NOES: | | |
| ABSTAIN: | | |
| ABSENT: | | |

4. REPORTS (Discuss and Possible Action)

4.1 Technical Advisory Committee Report

Technical Advisory Committee Chair Joe Zoba noted the AECOM item is important in moving forward. He reported the attendance of members at the November 10, 2021 TAC meeting:

| Agency | Member | Name |
|---|---------|-----------------|
| San Bernardino Municipal Water Department | Primary | Steve Miller |
| San Bernardino Valley Municipal Water District | Primary | Wen Huang |
| Yucaipa Valley Water District | Primary | Joseph Zoba |
| San Bernardino Valley Water Conservation District | Primary | Katelyn Scholte |

Mr. Zoba advised the Board that TAC member alternates will be confirmed at the next meeting.

A great team is assembled from the four agencies, Mr. Zoba said, and the Committee is prepared to begin work and awaits the final decision from the EPA.

Two items were forwarded to a newly-created Finance Subcommittee: Installment Purchase Agreement and Debt Management Policy, he advised. It is anticipated that feedback will be received at the TAC next week.

5. ANNOUNCEMENTS

5.1 List of Announcements

Executive Director Heather Dyer recommended canceling the November 24 TAC meeting unless there is pressing business, as it is the day before Thanksgiving.

Ms. Dyer also advised that the Board will need to meet on December 1 to consider a resolution regarding continuing teleconferencing meetings, and because the EPA will be announcing the successful applicants on December 2.

6. ADJOURNMENT

Action: The meeting was adjourned at 8:50 a.m. by the following roll-call vote:



| | | |
|--------------|-------------------------------------|---------------|
| MOVED: Cozad | SECONDED: Granlund | APPROVED: 4-0 |
| AYES: | Cozad, Granlund, Guerrero, Kielhold | |
| NOES: | | |
| ABSTAIN: | | |
| ABSENT: | | |

| |
|--|
| <p>APPROVAL CERTIFICATION</p> <p>I hereby certify to approval of the foregoing Minutes of the Upper Santa Ana River Watershed Infrastructure Financing Authority.</p> <p>_____</p> <p>Secretary</p> <p>Date</p> <p>_____</p> |
|--|

Respectfully submitted,

Lynda J. Kerney
Contract Assistant

UPPER SANTA ANA RIVER WATERSHED
INFRASTRUCTURE FINANCING AUTHORITY



DATE: December 1, 2021

TO: Board of Directors

FROM: Heather Dyer, Executive Director

SUBJECT: Consider Resolution authorizing the Joint Powers Authority to conduct remote meetings for the period December 1, 2021 through December 31, 2021

In order for the JPA to continue teleconference meetings in accordance with the Brown Act, the Board of Directors is required to adopt an authorizing resolution. The Board can reevaluate the situation and renew this Resolution every 30-days until it is decided the Resolution is no longer needed.

Background:

Governor Newsom issued Executive Order N-29-20 on March 17, 2020, in response to the global pandemic, allowing local agencies to hold meetings via teleconferences and to make meetings accessible electronically without violating the Brown Act. The Order was extended on June 11, 2021, to apply the relaxed teleconference provisions through September 30, 2021.

The recently signed Assembly Bill No. 361 ("AB 361"), effective as of October 1, provides additional flexibility for local agencies looking to meet remotely in order to continue providing the public with essential services during a proclaimed state of emergency. The goal of AB 361 is "to improve and enhance public access to state and local agency meetings during the COVID-19 pandemic and future emergencies by allowing broader access through teleconferencing options."

AB 361 allows a local agency to use teleconferencing without complying with certain Brown Act provisions in any of the following circumstances:

1. The legislative body holds a meeting during a proclaimed state of emergency, and state or local officials have imposed or recommended measures to promote social distancing.
2. The legislative body holds a meeting during a proclaimed state of emergency for the purpose of determining, by majority vote, whether as a result of the

UPPER SANTA ANA RIVER WATERSHED INFRASTRUCTURE FINANCING AUTHORITY

emergency, meeting in person would present imminent risks to the health or safety of attendees.

3. The legislative body holds a meeting during a proclaimed state of emergency and has determined, by majority vote that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

A local agency is authorized to use teleconferencing without complying with the teleconferencing requirements in the Brown Act when meetings are held during a declared state of emergency until January 1, 2024. For an agency to do so, its governing body must adopt a Resolution making the following findings by majority vote:

1. The legislative body has considered the circumstances of the state-of-emergency; and
2. Any of the following circumstances exist:
 - a. The state-of-emergency continues to directly impact the ability of the members to meet safely in person; or
 - b. State or local officials continue to impose or recommend measures to promote social distancing.

As of the time of preparing this memo, these findings are applicable to the Authority. A continuing resolution will be placed on the December 15th agenda to authorize remote meetings from December 15, 2021 through January 14, 2022, a period which covers the first Board meeting in 2022.

Fiscal Impact:

There is no fiscal impact associated with the requested action.

Recommendation:

Adopt Resolution No. 002 authorizing remote teleconference of the Board of Directors and Technical Advisory Committee of the Authority for the period December 1, 2021 through December 31, 2021.

Attachment:

Resolution No. 002

RESOLUTION NO. 002

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE UPPER SANTA ANA RIVER WATERSHED INFRASTRUCTURE FINANCING AUTHORITY PROCLAIMING A LOCAL EMERGENCY, RATIFYING THE PROCLAMATION OF A STATE OF EMERGENCY BY GOVERNOR GAVIN NEWSOM ON MARCH 4, 2020, AND AUTHORIZING REMOTE TELECONFERENCE MEETINGS OF THE LEGISLATIVE BODIES OF THE UPPER SANTA ANA RIVER WATERSHED INFRASTRUCTURE FINANCING AUTHORITY FOR THE PERIOD DECEMBER 1, 2021, THROUGH DECEMBER 31, 2021, PURSUANT TO BROWN ACT PROVISIONS.

WHEREAS, the Upper Santa Ana River Watershed Infrastructure Financing Authority (Authority) is committed to preserving and nurturing public access and participation in meetings of the Board of Directors; and

WHEREAS, all meetings of the Upper Santa Ana River Watershed Infrastructure Financing Authority's legislative bodies are open and public, as required by the Ralph M. Brown Act (Gov't Code § 54950 *et seq.*), so that any member of the public may attend, participate, and watch the Authority's legislative bodies conduct their business; and

WHEREAS, the Brown Act, Government Code section 54953(e), makes provisions for remote teleconferencing participation in meetings by members of a legislative body, without compliance with the requirements of Government Code section 54953(b)(3), subject to the existence of certain conditions; and

WHEREAS, a required condition is that a state of emergency is declared by the Governor pursuant to Government Code section 8625, proclaiming the existence of conditions of disaster or of extreme peril to the safety of persons and property within the state caused by conditions as described in Government Code section 8558; and

WHEREAS, a proclamation 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 Authority's boundaries, caused by natural, technological, or human-caused disasters; and

WHEREAS, it is further required that state or local officials have imposed or recommended measures to promote social distancing, or, the state of emergency continues to directly impact the ability of the members to meet safely in person; and

WHEREAS, such conditions now exist in the Authority, specifically, a state of emergency has been proclaimed due to an outbreak of respiratory illness due to a novel coronavirus (a disease now known as COVID-19); and

WHEREAS, the San Bernardino County Department of Health has recommended measures to promote social distancing; and

WHEREAS, the Board of Directors has determined that the state of emergency continues to directly impact the ability of the members to meet safely in person; and

WHEREAS, the Board of Directors does hereby find that the current state of emergency with respect to COVID-19, local official recommendations to promote social distancing, and conditions causing imminent risk to the health and safety of attendees have caused, and will continue to cause, conditions of peril to the safety of persons within the Authority that are likely to be beyond the control of services, personnel, equipment, and facilities of the Authority, and desires to proclaim a local emergency and ratify the proclamation of state of emergency by the Governor of the State of California; and

WHEREAS, as a consequence of the local emergency, the Board of Directors does hereby find that the legislative bodies of the Upper Santa Ana River Watershed Infrastructure Financing Authority shall conduct their meetings without compliance with paragraph (3) of subdivision (b) of Government Code section 54953, as authorized by subdivision (e) of section 54953, and that such legislative bodies shall comply with the requirements to provide the public with access to the meetings as prescribed in paragraph (2) of subdivision (e) of section 54953;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE UPPER SANTA ANA RIVER WATERSHED INFRASTRUCTURE FINANCING AUTHORITY as follows:

Section 1. Recitals. The Recitals set forth above are true and correct and are incorporated into this Resolution by this reference.

Section 2. Proclamation of Local Emergency. The Board hereby proclaims that a local emergency now exists throughout the Authority, and declares that meeting in person would not comply with local official recommendations to promote social distancing and would present imminent risk to the health and safety of attendees.

Section 3. Ratification of Governor's Proclamation of a State of Emergency. The Board 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 Executive Director and legislative bodies of the Upper Santa Ana River Watershed Infrastructure Financing Authority are hereby authorized and directed to take all actions necessary to carry out the intent and purpose of this Resolution including, conducting open and public meetings in accordance with Government Code section 54953(e) and other applicable provisions of the Brown Act.

Section 5. Effective Date of Resolution. This Resolution shall take effect on December 1, 2021, and shall be effective until the earlier of (a) December 31, 2021, or (b) such time the Board of Directors adopts a subsequent resolution in accordance with Government Code section 54953(e)(3) to extend the time during which the legislative bodies of the Upper Santa Ana River Watershed Infrastructure

Financing Authority may continue to teleconference without compliance with paragraph (3) of subdivision (b) of section 54953.

ADOPTED this 1st day of December 2021.

Paul Kielhold
Chair

Jose Macedo
Secretary