



**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 San Bernardino Valley Municipal Water District 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, NOVEMBER 3, 2021 – 8:30 am**

**PUBLIC PARTICIPATION**

Public participation is welcome and encouraged. You may participate in the November 3, 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](mailto: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 2, 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, NOVEMBER 3, 2021**

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## **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 October 20, 2021, Meeting(Page 3)  
[BOD Minutes 102021](#)

### **3. DISCUSSION AND POSSIBLE ACTION ITEMS**

- 3.1 Consider Resolution authorizing the Joint Powers Authority to conduct remote meetings for the period November 3, 2021 through December 3, 2021(Page 7)  
[Staff Memo - Consider Resolution authorizing the Joint Powers Authority to conduct remote meetings for the period November 3, 2021 through December 3, 2021](#)  
[Resolution No. 001](#)
- 3.2 Update on the Technical Advisory Committee(Page 12)  
[Staff Memo - Update on the Technical Advisory Committee](#)

### **4. REPORTS**

### **5. ANNOUNCEMENTS**

### **6. ADJOURNMENT**

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**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](http://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 | October 20, 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

Staff Present	Agency
Heather Dyer	San Bernardino Valley Municipal Water District
Anthony Flordelis	San Bernardino Valley Municipal Water District
Anel Perez	San Bernardino Valley Municipal Water District
Cindy Saks	San Bernardino Valley Municipal Water District
Melissa Zoba	San Bernardino Valley Municipal Water District
Allison Edmisten	Yucaipa Valley Water District
Madeline Blua	Yucaipa Valley Water District
Scott Heil	Varner Brandt

Others in Attendance:	
Melody McDonald	San Bernardino Valley Water Conservation District
Miguel Guerrero	San Bernardino Municipal Water Department
Ryan Shaw	Western Municipal Water District
Jeff Herrin	AECOM
Nyles O'Harra	Yucaipa Valley Water District
Chris Mann	Yucaipa Valley Water District
Gil Botello	San Bernardino Valley Municipal Water District
T. Milford Harrison	San Bernardino Valley Municipal 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

Vice Chair Granlund moved to approve the minutes of the August 18, 2021, meeting. Director Cozad seconded. The motion was unanimously adopted by roll-call vote.

### 3. DISCUSSION AND POSSIBLE ACTION ITEMS

#### 3.1 Confirm the Membership of the San Bernardino Municipal Water Department and its Representatives

Executive Director Heather Dyer announced the San Bernardino Municipal Water Department approved the Joint Exercise of Powers Agreement to join the Authority on August 24, 2021. She noted the support of Miguel Guerrero for this program.

Director Cozad moved to confirm the membership of the San Bernardino Municipal Water Department and seat Miguel Guerrero as Director and Cecilia "Toni" Callicott as the Alternate. Vice Chair Granlund seconded. The motion was unanimously adopted by a roll-call vote.

#### 3.2 Consider the Appointment of the Chair and Vice Chair of the Technical Advisory Committee

Executive Director Heather Dyer explained the Technical Advisory Committee (TAC) is established through Section 17 of the Joint Powers Agreement. After consultation with the general managers, the recommendation is for appointment of Joe Zoba of Yucaipa Valley Water District as Chair and Wen Huang, Deputy General Manager / Chief Engineer of San Bernardino Valley Municipal Water District as the Vice Chair of the Committee. The TAC reviews the technical details associated with projects that would be financed through the Authority, assuring they are in line with the agreed-upon process, and makes recommendations to the Board, she explained.

Ms. Dyer reminded the Board the Authority was set up so that all details of loan repayment, and receipt of funding through the Environmental Protection Agency (EPA) is included in the Project Agreement to assure that the people who are benefitting from the program are the people paying for it, and to assure a secure method for passing along costs and loan payments through the JPA to the project owner (the member agencies).

Ms. Dyer listed the proposed members of the TAC:

Katelyn Scholte, Assistant Engineer	San Bernardino Valley Water Conservation District
Steve Miller, Director of Water Utility	San Bernardino Municipal Water Department
Wen Huang, Chief Engineer	San Bernardino Valley Municipal Water District
Joe Zoba, General Manager	Yucaipa Valley Water District

Vice Chair Granlund moved to approve the appointment of Joe Zoba as Chair and Wen Huang as Vice Chair for a one-year term. Director Cozad seconded. The motion was unanimously adopted by a roll-call vote.

#### 4. REPORTS (Discuss and Possible Action)

##### 4.1 Executive Director's Report

Executive Director Heather Dyer advised the Board there has not been a response from the EPA regarding the Letter of Interest (LOI). EPA staff did send a letter to Congressman Aguilar and the Congressional delegation confirming that they are giving thorough consideration to the LOI, she reported. She pointed to a Fact Sheet listing all LOIs received for a total of \$8.8 billion requested through the program; with approximately \$7 billion available.

The Enhanced Recharge Project by Valley District and partners has also been submitted for a \$2 million grant from the Bureau of Reclamation WaterSMART drought response program, Dyer advised. The WIFIA program allows layering of funding opportunities, she noted.

Ms. Dyer highlighted additional activities including a website for the Watershed Connect and a dashboard to which the EPA, member agencies, and public can be directed to understand what Watershed Connect is about. It is envisioned as a future program management tool, she explained.

A scope and proposal from AECOM – WSC is in progress to start program implementation, identify additional needed information, and investigate details to be able to prepare a full application, she explained.

Other upcoming items include a meeting in two weeks, debt management policy, conflict of interest policy, cost share proposal, and a resolution to allow virtual meetings in accordance with AB 361.

Staff continues to engage with additional members, Ms. Dyer said, to assure the Agreement is added to the agencies' agendas.

## 5. ANNOUNCEMENTS

### 5.1 List of Announcements

Ms. Dyer indicated it is likely there will be a meeting in two weeks and recommended canceling the first meeting in December which overlaps with the Association of California Water Agencies Fall Conference.

San Bernardino Valley Municipal Water District Director Gil Botello welcomed new member San Bernardino Municipal Water Department, and others present echoed the sentiment. Mr. Guerrero thanked the Authority for its approval and said the agency is glad to join the team. He offered some background on the approval process and noted several positive comments from the Water Board, City Council, and Mayor.

## 6. ADJOURNMENT

The meeting was adjourned at 8:46 a.m.

<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>
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Respectfully submitted,

Lynda J. Kerney  
Contract Assistant

UPPER SANTA ANA RIVER WATERSHED  
INFRASTRUCTURE FINANCING AUTHORITY



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DATE: November 3, 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 November 3, 2021 through December 3, 2021

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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.

### Fiscal Impact:

There is no fiscal impact associated with the requested action.

### Recommendation:

Adopt Resolution No. 001 authorizing remote teleconference of the Board of Directors and Technical Advisory Committee of the Authority for the period November 3, 2021 through December 3, 2021.

### Attachment:

Resolution No. 001



**RESOLUTION NO. 01**

**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 NOVEMBER 3, 2021, THROUGH DECEMBER 3, 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 General Manager 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 November 3, 2021, and shall be effective until the earlier of (a) December 3, 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 3<sup>rd</sup> day of November, 2021.

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Paul Kielhold  
Chair

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Jose Macedo  
Secretary

UPPER SANTA ANA RIVER WATERSHED  
INFRASTRUCTURE FINANCING AUTHORITY



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DATE: November 3, 2021  
TO: Board of Directors  
FROM: Joe Zoba, Chair, Technical Advisory Committee  
SUBJECT: Update on the Technical Advisory Committee

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Section 17 of the Joint Exercise of Powers Agreement empowers the Technical Advisory Committee (TAC) to review materials relevant to Projects to be financed by the Authority, including draft Project Agreements, and periodically reporting to the Board regarding its review of such materials. The TAC will provide a venue for items to be considered in detail at the staff/consultant-level prior to Board's consideration; meetings are required to be called, noticed, and conducted in accordance with the Brown Act. The TAC was formally set up at the October 20, 2021 Board meeting.

The first TAC meeting is scheduled for November 10, 2021 at 8:30 am to tentatively consider the following items:

1. Project Readiness Review of Watershed Connect Phase 1 to prepare for WIFIA and SRF Applications
2. Proposal from AECOM/WSC for Loan Application(s) and Watershed Connect Implementation Plan
3. Draft Project Agreement
4. Items for the next JPA Board meeting
5. Setting Regular TAC meeting dates and times

The TAC meeting is open to the public and the agenda will be published 72 hours before the meeting.

Fiscal Impact:  
None

Recommendation:  
Receive & File