

**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 Upper Santa Ana River Watershed Financing Authority 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, MARCH 2, 2022 – 8:30 am**

PUBLIC PARTICIPATION

Public participation is welcome and encouraged. You may participate in the March 2, 2022, 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, March 1, 2022. 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, MARCH 2, 2022

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 February 2, 2022, Meeting (Page 3)
[Watershed Connect Minutes 20220202](#)

3. DISCUSSION AND POSSIBLE ACTION ITEMS

- 3.1 Consider Resolution authorizing the Joint Powers Authority to conduct remote meetings for the next 30 days (Page 7)
[Staff Memo - Consider Continuing Resolution for Remote Meetings for the Next 30 Days](#)
[Resolution No. 007](#)

4. REPORTS (Discuss and Possible Action)

- 4.1 Executive Director's 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 | February 2, 2022

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 "Toni" Callicott, Alternate	Absent
San Bernardino Valley Municipal Water District	Gil Botello, Alternate	Present
San Bernardino Valley Water Conservation District	Betsy Miller, Alternate	Present
Yucaipa Valley Water District	Nyles O'Harra, Alternate	Absent
San Bernardino Valley Municipal Water District	Heather Dyer, Executive Director	Present
San Bernardino Valley Municipal Water District	Jose Macedo, Secretary	Present

Staff Present	Agency
Anthony Flordelis	San Bernardino Valley Municipal Water District
Adekunle Ojo	San Bernardino Valley Municipal Water District
Cindy Saks	San Bernardino Valley Municipal Water District
Karen Resendez	San Bernardino Valley Municipal Water District
Melissa Zoba	San Bernardino Valley Municipal Water District

Joseph Zoba	Yucaipa Valley Water District
Allison Edmisten	Yucaipa Valley Water District

Scott Heil	Varner & Brandt
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Others in Attendance:	
Ryan Shaw	Western Municipal Water District

CALL TO ORDER

The Regular Meeting of the Upper Santa Ana River Watershed Infrastructure Financing Authority (SAR 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 January 5, 2022 meeting were approved by the following roll-call vote:

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

3. DISCUSSION AND POSSIBLE ACTION ITEMS

- 3.1 Consider Resolution authorizing the Joint Powers Authority to conduct remote meetings for the next 30 days

Executive Director Heather Dyer explained this requirement for continued teleconferencing of meetings in compliance with the Brown Act and AB 361.

Action: Resolution - 006 was adopted by the following roll-call vote:

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

RESOLUTION NO. 006

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 FEBRUARY 2, 2022, THROUGH MARCH 1, 2022, PURSUANT TO BROWN ACT PROVISIONS

4. REPORTS (Discuss and Possible Action)

4.1 Executive Director's Report

Executive Director Heather Dyer reported that a meeting was held on Monday with the Environmental Protection Agency project program manager who will help facilitate the application process. She said she was encouraged by the ideas he presented for creativity and for bringing more value to the program. He recommended looking at the future beyond Phase II and trying to package projects desired by partner agencies for the next Letter of Interest, even if they are not ripe.

Staff will be working with JPA partners to look at Phases II and III, and trying to bring in additional members who may not yet know what facilities are needed to be built in the next five to 10 years, but would be at advantage to be part of this process, Ms. Dyer explained.

The WIFIA program sets its interest rate based on the U.S. Treasury rate, and the Federal Reserve is expected to raise rates this year, so staff is working to gather information for the application and lock in the interest rate as low as possible, Dyer reported.

Ms. Dyer reminded that each agency needs to take its installment purchase agreement to their individual boards; Valley District will do so in mid-March. Since the JPA is the borrower, a future Board action to authorize the loan application and pay the application fee will be brought back in March, she noted.

Ms. Dyer stressed that it would be advantageous for any agencies not currently in the JPA that are contemplating projects in the future to join the JPA. She asked everyone to talk about the program and encourage agencies to join.

5. ANNOUNCEMENTS

The Technical Advisory Committee meetings are on alternate Wednesdays and individual coordination meetings are ongoing, Ms. Dyer noted.

6. ADJOURNMENT

Action: The meeting was adjourned at 8:38 a.m. by the following roll-call vote:

MOVED: Granlund	SECONDED: Cozad	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>
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Respectfully submitted,

Lynda J. Kerney
Contract Assistant

UPPER SANTA ANA RIVER WATERSHED
INFRASTRUCTURE FINANCING AUTHORITY



DATE: March 2, 2022

TO: Board of Directors

FROM: Heather Dyer, Executive Director

SUBJECT: Consider Resolution authorizing the Joint Powers Authority to conduct remote meetings for the next 30 days

Staff Recommendation:

Adopt Resolution No. 007 authorizing remote teleconference of the Board of Directors and Technical Advisory Committee of the Authority for the next 30 days.

Summary:

On February 2, the Board adopted Resolution No. 006 authorizing remote teleconference meetings for a period of 30 days ending March 1, 2022. To continue teleconference meetings in accordance with the Brown Act, the Board of Directors is required to adopt a continuing resolution.

Background:

Assembly Bill 361 ("AB 361"), effective on October 1, 2021, amends Government Code 54953 to provide authority and specific requirements for public agencies to hold virtual meetings during a proclaimed state of emergency and remain in compliance with the Brown Act. In accordance with Government Code Section 54953 (e)(3), the Board must review the need and make findings for continuing the teleconferencing as authorized by AB 361 at least once every thirty (30) days until the Governor terminates the state of emergency. With the adoption of Resolution No. 006, the Board is reaffirming its findings and compliance to AB 361 for an additional 30 days ending March 31, 2022.

Fiscal Impact:

There is no fiscal impact associated with the requested action.

Attachment:

Resolution No. 007

RESOLUTION NO. 007

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 MARCH 2, 2022, THROUGH MARCH 31, 2022, 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, the Board of Directors previously adopted Resolution No. 005 on February 2, 2022, finding that the requisite conditions exist for the legislative bodies of joint powers authorities to conduct remote teleconference meetings without compliance with paragraph (3) of subdivision (b) of Government Code section 54953; and

WHEREAS, as a condition of extending the use of the provisions found in Government Code section 54953(e), the Board of Directors must reconsider the circumstances of the state of emergency that exists in the Authority, and the Board of Directors has done so; and

WHEREAS, emergency conditions persist in the Authority, specifically the state of emergency proclaimed by the Governor of the State of California due to an outbreak of respiratory illness due to a novel coronavirus (a disease now known as COVID-19) remains active; and

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

WHEREAS, the Board of Directors does hereby find 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 affirm a local emergency exists and to re-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 continue to 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. Affirmation of Local Emergency. The Board hereby considers the conditions of the state of emergency in the Authority and proclaims that a local emergency persists 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. Re-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 immediately upon its adoption and shall be effective until the earlier of (a) March 31, 2022, 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 2nd day of March, 2022.

Paul Kielhold
President

Jose Macedo
Secretary