

**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, FEBRUARY 2, 2022 – 8:30 am**

PUBLIC PARTICIPATION

Public participation is welcome and encouraged. You may participate in the February 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, February 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, FEBRUARY 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 January 5, 2022, Meeting (Page 3)
[Watershed Connect Minutes 20220105](#)

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 9)
[Staff Memo - Consider Continuing Resolution for Remote Meetings for the Next 30 Days](#)
[Resolution No. 005](#)

4. REPORTS (Discuss and Possible Action)

- 4.1 Executive Director 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 | January 5, 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	Absent
San Bernardino Valley Water Conservation District	Betsy Miller, Alternate	Absent
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
Melissa Zoba	San Bernardino Valley Municipal Water District
Allison Edmisten	Yucaipa Valley Water District
Joseph Zoba	Yucaipa Valley Water District
Chris Mann	Yucaipa Valley Water District

Joyce McIntire	Yucaipa Valley Water District
Scott Heil	Varner & Brandt

Others in Attendance:	
Jeff Herrin	AECOM
Ryan Shaw	Western 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

Action: The minutes of the December 15, 2021, meeting were approved by the following roll-call vote:

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

3. DISCUSSION AND POSSIBLE ACTION ITEMS

3.1 Receive and File the Draft Installment Purchase Agreement

Executive Director Heather Dyer introduced the Draft Installment Purchase Agreement for projects that would be funded through the WIFIA program and the Joint Powers Authority (JPA). She briefly detailed the agreement and noted each agency will continue to own and operate their own projects and the JPA is an intermediary stop for the funding.

There must be strong understanding of how payments will be made between JPA members and the Environmental Protection Agency (EPA), and those details are outlined in the draft agreement, Ms. Dyer explained.

It is also informally referred to as the “project agreement,” she advised.

Ms. Dyer pointed out that Western Municipal Water District (WMWD) is also a partner in several of the Valley District projects, and that all revenue sources must be identified which will pay back the 49 percent loan to the EPA. She anticipated a series of project agreements between the JPA and each member agency. The draft agreement was prepared by bond counsel, and the Technical Advisory Committee (TAC) recommended the Board pass the agreement, she noted.

Director Guerrero requested details on the recommendation process. Adekunle Ojo explained the agreement was prepared by Stradling, reviewed by financial advisor Fieldman Rolapp and the TAC Finance Subcommittee, then referred to the Board by the TAC. He assured that each individual agreement will come back to the Board, as well as to the member agency for approval.

Director Granlund indicated she had initial concerns about assuring responsibility for each agency’s portion of the funds, but this agreement is precise.

Action: Receive and File

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

3.2 Consider Resolution authorizing the Joint Powers Authority to conduct remote meetings for the period January 5, 2022, through February 4, 2022

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

Action: Resolution 005 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. 005

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 JANUARY 5, 2022, THROUGH FEBRUARY 4, 2022, PURSUANT TO BROWN ACT PROVISIONS

4. REPORTS (Discuss and Possible Action)

4.1 Executive Director's Report

Executive Director Heather Dyer provided an update to the Board. She detailed an EPA webinar on the loan application process that was positive and encouraging. She advised that she and Joe Zoba met with Fieldman Rolapp to better understand obligations in terms of assembling the application, and that it will be a great task. The review process is approximately five months, she noted. The goal is to get the loan in place before interest rates rise, she said.

If there are projects in Phase I that are not quite ready with the level of detail needed for the loan application, it is possible to change out projects, Ms. Dyer noted.

Valley District has submitted a State Revolving Fund applications for the Enhanced Recharge Phase IB and the Regional Recycled Water System, which are required in order to be eligible for upcoming funding opportunities for various state loans and grants that we may be interested in, she stated. The Board approved an amendment to a reimbursement agreement with East Valley Water District (EVWD) and work will be moving forward on the recharge basins, Ms. Dyer continued.

A programmatic marketing and outreach campaign is beginning, and Mr. Ojo is working with agencies that have not yet joined the JPA, Ms. Dyer reported. She noted the strength of a unified application.

Ms. Dyer also stated that work is progressing on setting meetings and outreach to Sacramento to be able to go after some of the infrastructure funding recently passed as part of the stimulus funding.

Signed thank-you letters were sent to the 43 entities which wrote letters of support for the Letter of Intent, Ms. Dyer noted. The website, www.watershedconnect.net, has been established, Ms. Dyer advised. Currently it is an outward-facing website, she said, but it is anticipated to become an internal web portal / tool to view all project agreements and other detail.

Director Cozad suggested attention to National Environmental Policy Act (NEPA) compliance due to some recent issues with loan agreements and the EPA's acceptance of broader NEPA work. Mr. Ojo provided assurance.

5. ANNOUNCEMENTS

None.

6. ADJOURNMENT

Action: The meeting was adjourned at 8:51 a.m. by the following roll-call vote:

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



APPROVAL CERTIFICATION

I hereby certify to approval of the foregoing Minutes of the Upper Santa Ana River Watershed Infrastructure Financing Authority.

Secretary

Date

Respectfully submitted,

Lynda J. Kerney
Contract Assistant

UPPER SANTA ANA RIVER WATERSHED
INFRASTRUCTURE FINANCING AUTHORITY



DATE: February 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. 005 authorizing remote teleconference of the Board of Directors and Technical Advisory Committee of the Authority for the next 30 days.

Summary:

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:

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. 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."

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

UPPER SANTA ANA RIVER WATERSHED
INFRASTRUCTURE FINANCING AUTHORITY

- 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.

Attachment:

Resolution No. 005

RESOLUTION NO. 005

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.

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. 003 on December 15, 2021, 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 1, 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 February, 2022.

Paul Kielhold
President

Jose Macedo
Secretary