

MINUTES OF REGULAR MEETING OF THE COMMISSIONERS OF THE ANTELOPE VALLEY STATE WATER CONTRACTORS ASSOCIATION, FEBRUARY 9, 2023.

A regular meeting of the Commissioners of the Antelope Valley State Water Contractors Association was held Thursday, February 9, 2023, at 6500 West Avenue N, Palmdale, CA 93551 and via teleconference. Chair Parris called the meeting to order at 6:00 p.m.

1) Pledge of Allegiance.

At the request of Chair Parris, Commissioner Wilson led the pledge of allegiance.

2) Roll Call.

Attendance:

Robert Parris, Chair
Kathy Mac Laren-Gomez, V. Chr.
Don Wilson, Secretary
Barbara Hogan, Commissioner
Keith Dyas, Commissioner

Others Present:

Peter Thompson II, General Manager
Dennis Hoffmeyer, Controller
Alex Lemieux, General Counsel
James Chaisson, LCID General Manager
Adam Ly, PWD Asst. General Manager
Matthew Knudson, AVEK Asst. Gen. Manager
Claudia Bolanos, PWD Res./Analyt. Spvsr.
Danielle Henry, Executive Assistant
2 members of the public

EXCUSED ABSENCE –

Leo Thibault, Treasurer-Auditor

3) Adoption of Agenda.

It was moved by Commissioner Dyas, seconded by Commissioner Wilson, and unanimously carried by all members of the Board of Commissioners present at the meeting on the following roll call vote to adopt the agenda, as written:

Chair Parris – aye
Commissioner Mac Laren-Gomez – aye
Commissioner Wilson - aye
Commissioner Dyas – aye
Commissioner Hogan – aye

4) Public Comments for Non-Agenda Items.

There were no public comments.

5) Presentation on Pure Water AV. (PWD Engineering Manager Rogers)

Mr. Scott Rogers, PWD Engineering Manager, provided a detailed overview of the Pure Water AV Project, including tertiary water use options, the shift from the Palmdale Regional Groundwater Recharge and Recovery Program, the regulatory requirements, the groundwater augmentation, the advanced treatment capabilities and requirements, the Program timeline, the Planning & Demonstration Facility, and the next steps involved followed by a brief discussion of injection wells and grant funding.

The Commissioners then thanked Mr. Rogers for the presentation.

6) Consideration and Possible Action on Minutes of Regular Meeting Held December 8, 2022.

It was moved by Commissioner Wilson, seconded by Commissioner Hogan, and carried on a 4-0-1 vote by the members of the Board of Commissioners present at the meeting on the following roll call vote to approve the minutes of the regular meeting held December 8, 2022, as written:

Chair Parris – aye
Commissioner Mac Laren-Gomez – aye
Commissioner Wilson - aye
Commissioner Dyas – abstain
Commissioner Hogan – aye

7) Payment of Bills.

General Manager Thompson II reviewed the bills received for payment after which it was moved by Commissioner Dyas, seconded by Commissioner Mac Laren-Gomez, and unanimously carried by all members of the Board of Commissioners present at the meeting on the following roll call vote to approve payment and ratification of payment of the bills received from PWD in the amount of \$1,197.89 for staff services, from AVEK in the amount of \$358.36 for staff services, from Kennedy/Jenks Consultants in the amount of \$9,467.50 for professional services associated with the Big

Rock Creek Joint Groundwater Recharge Project, from Woodard and Curran in the amount of \$18,235.00 for professional services associated with the 2019 Integrated Regional Water Management Plan update and Disadvantaged Community Involvement (DACI) Program Set Aside Grant, and from the Association of California Water Agencies (ACWA) in the amount of \$2,147.80 for the 2023 Annual Agency Dues:

Chair Parris – aye
Commissioner Mac Laren-Gomez – aye
Commissioner Wilson - aye
Commissioner Dyas – aye
Commissioner Hogan – aye

8) Consideration and Possible Action on Resolution No. 2023-1 Being a Resolution of the Board of Commissioners of the Antelope Valley State Water Contractors Association Ratifying the Proclamation of a State of Emergency by the Governor Issued March 4, 2020, and Authorizing Remote Teleconference Meetings of the Legislative Bodies of the Antelope Valley State Water Contractors Association for the Period Beginning February 9, 2023 and Ending February 28, 2023 Pursuant to Brown Act Provisions. (General Counsel Markman/General Manager Thompson II)

General Counsel Lemieux provided an overview of the expiration of AB361 and the limitations of AB2449 and traditional Brown Act requirements, and after a brief discussion of adding a standing item regarding AB2449 to future agendas, it was moved by Commissioner Mac Laren-Gomez, seconded by Commissioner Hogan, and unanimously carried by all members of the Board of Commissioners present at the meeting on the following roll call vote to approve Resolution No. 2023-1 being a Resolution of the Board of Commissioners of the Antelope Valley State Water Contractors Association Ratifying the Proclamation of a State of Emergency by the Governor Issued March 4, 2020, and Authorizing Remote Teleconference Meetings of the Legislative Bodies of the Antelope Valley State Water Contractors Association for the Period Beginning February 9, 2023 and Ending February 28, 2023 Pursuant to Brown Act Provisions:

Chair Parris – aye
Commissioner Mac Laren-Gomez – aye
Commissioner Wilson - aye
Commissioner Dyas – aye
Commissioner Hogan – aye

Resolution No. 2023-1 is hereby made a portion of the minutes of this meeting.

9) Consideration and Possible Action of Election of Officers. (General Manger Thompson II)

After a brief discussion of the Association Bylaws, it was moved by Commissioner Dyas, seconded by Commissioner Mac Laren-Gomez, and unanimously carried by all members of the Board of Commissioners present at the meeting on the following roll call vote to approve nomination of Chair Parris as the continued Chair of the Association:

Chair Parris – aye
Commissioner Mac Laren-Gomez – aye
Commissioner Wilson - aye
Commissioner Dyas – aye
Commissioner Hogan – aye

It was then moved by Chair Parris, seconded by Commissioner Dyas, and unanimously carried by all members of the Board of Commissioners present at the meeting on the following roll call vote to approve nomination of Commissioner Mac Laren-Gomez as the continued Vice Chair of the Association:

Chair Parris – aye
Commissioner Mac Laren-Gomez – aye
Commissioner Wilson - aye
Commissioner Dyas – aye
Commissioner Hogan – aye

It was then moved by Commissioner Hogan, seconded by Commissioner Wilson, and unanimously carried by all members of the Board of Commissioners present at the meeting on the following roll call vote to approve nomination Commissioner Thibault as the continued Treasurer of the Association:

Chair Parris – aye
Commissioner Mac Laren-Gomez – aye
Commissioner Wilson - aye
Commissioner Dyas – aye
Commissioner Hogan – aye

It was then moved by Chair Parris, seconded by Commissioner Mac Laren-Gomez, and unanimously carried by all members of the Board of Commissioners present at the meeting on the following roll call vote to approve nomination of Commissioner Wilson as the continued Secretary of the Association:

Chair Parris – aye
Commissioner Mac Laren-Gomez – aye
Commissioner Wilson - aye
Commissioner Dyas – aye
Commissioner Hogan – aye

10) Consideration and Possible Action on Association of California Water Agencies/Joint Powers Insurance Authority (ACWA/JPIA) Representative. (General Manager Thompson II)

General Manager Thompson II provided a brief overview of Articles 7 of the Association of California Water Agencies/Joint Powers Insurance Authority (ACWA/JPIA) Agreement regarding Board of Directors after which it was moved by Chair Parris, seconded by Commissioner Wilson, and unanimously carried by all members of the Board of Commissioners present at the meeting on the following roll call vote to approve nomination of Commissioner Mac Laren-Gomez as the ACWA/JPIA Representative for the Association:

Chair Parris – aye
Commissioner Mac Laren-Gomez – aye
Commissioner Wilson - aye
Commissioner Dyas – aye
Commissioner Hogan – aye

It was then moved by Commissioner Mac Laren-Gomez, seconded by Commissioner Dyas, and unanimously carried by all members of the Board of Commissioners present at the meeting on the following roll call vote to approve nomination of Commissioner Wilson as the ACWA/JPIA Alternative Representative for the Association:

Chair Parris – aye
Commissioner Mac Laren-Gomez – aye
Commissioner Wilson - aye

Commissioner Dyas – aye
Commissioner Hogan – aye

11) Consideration and Possible Action on Acceptance of Draft Feasibility Study for the Big Rock Creek Joint Groundwater Recharge Project. (General Manager Thompson II/Mr. Paul Chau, Kennedy/Jenks Consultants)

General Manager Thompson II stated the Draft Feasibility Study for the Big Rock Creek Joint Groundwater Recharge Project has been reviewed by the three member agencies after which Mr. Paul Chau, of Kennedy/Jenks Consultants, provided a detailed overview of the updates to the Feasibility Study including the increased Alternative rankings based on lifecycle costs per acre foot for a 20 year period and the change in the recharge basin location and pipeline costs for Alternative 3 – Offsite Recharge Basins and Pipeline.

It was then moved by Commissioner Mac Laren-Gomez, seconded by Commissioner Wilson, and after a brief discussion of the next steps involved, it was unanimously carried by all members of the Board of Commissioners present at the meeting on the following roll call vote to approve the acceptance of the Draft Feasibility Report for the Big Rock Creek Joint Groundwater Recharge Project:

Chair Parris – aye
Commissioner Mac Laren-Gomez – aye
Commissioner Wilson - aye
Commissioner Dyas – aye
Commissioner Hogan – aye

12) Report of General Manager.

a) Status Updates:

1) Antelope Valley Watermaster Meetings.

General Manager Thompson II reported that the Administrative Budget was approved by the Watermaster on December 7, 2022; that a Special Board Meeting will be held in March to discuss budget deficits; that the Hallmark Group officially took over administrative duties on January 25, 2023; and that the 2023 Replacement Water

Assessment Fee Schedule will be delayed pending the completion of AVEK's rate analysis.

2) Antelope Valley and Fremont Basin IRWMP Stakeholder Meetings.

He then reported that staff continues to work with Woodard and Curran on both the Proposition 1 and Disadvantaged Community Involvement Program (DACI) grant administration; that four rounds of payments have been received from the Department of Water Resources supporting Prop. 1 Round 1 grant projects; and that the Proposition 1 Round 2 grant application was successfully submitted on January 18, 2023.

There was no report on the Fremont Basin IRWMP.

3) Ethics AB 1234 Training.

He then stated that staff will coordinate a date for Ethics AB 1234 training via teleconference with Attorney Wayne Lemieux followed by a brief discussion of Ethics AB 1234 and Sexual Harassment Prevention training requirements.

He then stated that a representative from the State Water Contractors is scheduled to provide a presentation regarding the impacts of SB 1020 including renewable energy requirements and cost mitigation plans at the meeting in April; that a capacity and delivery analysis for the Big Rock Creek Recharge Project will also be provided at the April meeting; and that the Emergency Response Agreement with Antelope Valley Mutual Water Companies has been approved by the three member agencies.

13) Report of Controller.

a) Update on Revenue, Expenses and Change in Net Position.

Controller Hoffmeyer provided a brief overview of the Association's revenue, expenses and change in net position for the month ending January 31, 2023.

14) Reports of Commissioners.

There were no reports of Commissioners.

15) Report of Attorney.

There was no report of attorney.

16) Commission Members' Requests for Future Agenda Items.

There were no requests for future agenda items.

17) Consideration and Possible Action on Scheduling the Next Association Meeting April 13, 2023.

It was determined that the next regular meeting of the Association will be held on April 13, 2023, at 6:00 p.m.

18) Adjournment.

There being no further business to come before the Commissioners, the regular meeting of the Commissioners of the Antelope Valley State Water Contractors Association was adjourned at 7:05 p.m.


Secretary

RESOLUTION NO. 2023-1

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE ANTELOPE VALLEY STATE WATER CONTRACTORS ASSOCIATION RATIFYING THE PROCLAMATION OF A STATE OF EMERGENCY BY THE GOVERNOR ISSUED MARCH 4, 2020, AND AUTHORIZING REMOTE TELECONFERENCE MEETINGS OF THE LEGISLATIVE BODIES OF THE ANTELOPE VALLEY STATE WATER CONTRACTORS ASSOCIATION FOR THE PERIOD BEGINNING FEBRUARY 9, 2023 AND ENDING FEBRUARY 28, 2023 PURSUANT TO BROWN ACT PROVISIONS.

WHEREAS, the Antelope Valley Water Contractors Association (“AVSCWA”) is committed to preserving and nurturing public access and participation in meetings of the Board of Commissioners; and

WHEREAS, all meetings of AVSCWA’s legislative bodies are open and public, as required by the Ralph M. Brown Act (Cal. Gov. Code 54950 – 54963), so that any member of the public may attend, participate, and watch AVSCWA’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 AVSCWA’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 legislative body meeting in person would present imminent risks to the health and safety of attendees; and

WHEREAS, such conditions now exist in AVSCWA, specifically, a State of Emergency has been proclaimed by the Governor of the State of California on March 4, 2020 in response to the global outbreak of the novel Coronavirus disease (“COVID-19”); and

WHEREAS, meeting in person would present an imminent risk to the health and safety of attendees due to the continued impact of the COVID-19 pandemic; and

WHEREAS, the Board of Commissioners does hereby find that a State of Emergency has been proclaimed as a result of the threat of COVID-19 and the contagious nature of COVID-19 have caused, and will continue to cause, conditions of peril to the safety of persons within AVSCWA that are likely to be beyond the control of services, personnel, equipment, and facilities of AVSCWA, and desires to ratify the proclamation of state of emergency by the Governor of the State of California; and

WHEREAS, such conditions now exist in AVSCWA, specifically County of Los Angeles Department of Public Health – Order of the Health Officer issued April 21, 2022 and effective April 22, 2022, the State Public Health Officer Order – Beyond the Blueprint last updated June 8, 2022, Beyond the Blueprint for Industry and Business Sectors updated as of May 2, 2022, strongly recommending continued use of face masks while indoors in general, regardless of vaccination status, and requiring the continued use of face masks for indoor settings with higher risks for transmission, due to the evidence of increasing

transmission of COVID-19 within the County and worldwide, particularly due to the Omicron variant of the virus. Further, County health orders and guidance incorporates a variety of local, state, and federal declarations, proclamations, guidance, and recommendations, including continued social distancing of six (6) feet from others, especially while indoors, and especially while indoors for extended periods of time; and

WHEREAS, as a consequence of the imminent risks to the health and safety of attendees due to the continued impact of the COVID-19 pandemic, the Board of Commissioners does hereby find that the legislative bodies of the AVSCWA 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, THE BOARD OF COMMISSIONERS OF THE ANTELOPE VALLEY STATE WATER CONTRACTORS ASSOCIATION DOES HEREBY RESOLVE 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. Finding of Imminent Risks. The Board hereby finds that meeting in person would present imminent risks to the health and safety of attendees due to the serious and contagious nature of COVID-19.

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 staff, General Manager, and legislative bodies of AVSWCA 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 (i) February 28, 2023, which is 19 days from the adoption of this Resolution, or (ii) such time the Board of Commissioners adopts a subsequent resolution in accordance with Government Code section 54953(e)(3) to extend the time during which the legislative bodies of the Antelope Valley State Water Contractors Association may continue to teleconference without compliance with paragraph (3) of subdivision (b) of section 54953.

PASSED AND ADOPTED by the Board of Commissioners of the Antelope Valley State Water Contractors Association this 9th day of February, 2023, by the following vote:

AYES: Chair Parris, Commissioners Mac Laren-Gomez, Wilson, Hogan, Dyas

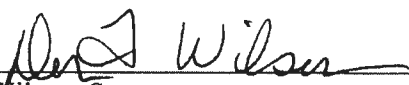
NOES:

ABSENT:

ABSTAIN:


Robert Parris, Chair

ATTEST:



Don Wilson, Secretary

APPROVED AS TO FORM:



Aleshire & Wynder, LLP, General Counsel