

**TRES HERMANOS CONSERVATION AUTHORITY
BOARD OF DIRECTORS REGULAR MEETING**

**NOVEMBER 17, 2021 AGENDA
6:00 p.m.**

**CITY OF DIAMOND BAR
21810 COPLEY DR.
DIAMOND BAR, CALIFORNIA**

**Chair, Ray Marquez
Vice-Chair, Cathy Marcucci
Director, Nancy Lyons
Director, Cory Moss
Director, Peter Rogers
Director, Newell Ruggles
Director, Steve Tye**

Addressing the Authority:

NOTICE OF TELEPHONIC/IN PERSON MEETING:

The Tres Hermanos Conservation Authority shall be held telephonically and in person in the Windmill Room, City of Diamond Bar City Hall. Directors and limited staff will be physically present for this meeting. If you would like to attend the meeting in person, please note that face coverings are required to be worn at all times.

How to Observe the Meeting:

Members of the public who wish to listen ONLY may join the meeting by calling the following conference call number: +1 (415) 655-0060 and entering the Access Code: 178-201-771.

How to Submit Public Comment:

Members of the public may provide public comment by sending written comments to the Authority Clerk by email at cityclerk@DiamondBarCA.gov by 4:00 p.m. on the day of the meeting. Please indicate in the Subject Line "FOR PUBLIC COMMENT." Written comments will be distributed to the Authority Directors and noted for the record at the meeting.

Alternatively, public comment may be submitted by joining the meeting in person or logging onto the meeting through this link: <https://attendee.gotowebinar.com/register/724345485181059340>. Members of the public will be called upon one at a time during the Public Comment portion of the agenda, and will be asked to state their name and agenda item they wish to comment on.

Copies of staff reports or other written documentation relating to agenda items are on file in the Office of the City Clerk at Diamond Bar City Hall, and are available for public inspection. If requested, the agenda will be made available in an alternative format to a person with disability as required by Section 202 of the Americans with Disabilities Act of 1990. If you have questions regarding an agenda item, please contact the Authority Secretary at (909) 839-7010 during regular business hours.

In an effort to comply with the requirements of Title II of the Americans with Disabilities Act of 1990, the Tres Hermanos Conservation Authority requires that any person in need of any type of special equipment, assistance or accommodation(s) in order to communicate at a public meeting, must inform the Authority Secretary a minimum of 72 hours prior to the scheduled meeting.

1. CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

2. PRESENTATION

2.1 Senator Josh Newman (CA-29) District Update

3. PUBLIC COMMENTS: At this time, members of the public may address the Authority regarding any items within the subject matter jurisdiction of the Authority provided NO action or discussion may be taken on any item not appearing on the agenda, except the Authority may BRIEFLY respond to statements made or questions posed. Comments are limited to five minutes per Speaker.

4. CONSENT CALENDAR:

4.1 Minutes of the October 25, 2021 Special Meeting.

Recommended Action:

Approve the October 25, 2021 Special Tres Hermanos Conservation Authority meeting minutes.

4.2 Payment Register

Recommended Action:

That the Authority receive and file the payment register for the month ended September 30, 2021.

4.3 Treasurer's Report for the Month Ended September 30, 2021.

Recommended Action:

That the Authority receive and file the Treasurer's Report for the month ended September 30, 2021.

4.4 USE OF TELECONFERENCING IN ACCORDANCE WITH ASSEMBLY BILL 361 FOR MEETINGS OF THE TRES HERMANOS CONSERVATION AUTHORITY.

Recommended Action:

Adopt Resolution No. THCA 2021-06 entitled: A RESOLUTION OF THE BOARD OF DIRECTORS OF THE TRES HERMANOS CONSERVATION AUTHORITY MAKING SPECIFIED FINDINGS RELATING TO THE USE

OF TELECONFERENCING IN ACCORDANCE WITH ASSEMBLY BILL 361 FOR MEETINGS OF THE AUTHORITY SUBJECT TO STATE OPEN MEETING LAWS.

5. OLD BUSINESS:

There is none.

6. NEW BUSINESS:

There is none.

7. AUTHORITY DIRECTOR COMMENTS:

- 8. ADJOURNMENT:** The next regular Tres Hermanos Conservation Authority meeting will be held on Wednesday, December 15, 2021 at 6:00 p.m.

TRES HERMANOS CONSERVATION AUTHORITY

ITEM NO. 4.1

**TRES HERMANOS CONSERVATION AUTHORITY
STAFF REPORT****AGENDA NO. 4.1**

Date: November 17, 2021
To: Chair and Board of Directors
From: Daniel Fox, Executive Director
Subject: Minutes of the October 25, 2021 Special Meeting.

Recommendation:

Approve the October 25, 2021 Special Tres Hermanos Conservation Authority meeting minutes.

Background/Analysis:

Attached for Board review and approval are the minutes of the October 25, 2021 Tres Hermanos Conservation Authority meeting.

Respectfully Submitted,**Reviewed By,**

Kristina Santana

Kristina Santana, City Clerk

11/9/2021

Daniel Fox

Daniel Fox, City Manager

11/9/2021

Attachments:

1. October 25, 2021 Tres Hermanos Conservation Authority Minutes

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1. CALL TO ORDER

The Special Meeting of the Tres Hermanos Conservation Authority was called to order by Chair Marquez at 6:01 p.m.

Chair Marquez stated that consistent with COVID-19 regulations, some Directors and staff participated via teleconference and the Public was invited to join the meeting in person, online or by phone at the numbers printed on the agenda.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Director Nancy Lyons.

ROLL CALL

Directors in attendance in Windmill Room: Director Nancy Lyons
Director Peter Rogers
Chair Ray Marquez

Directors in attendance telephonically: Director Cory Moss
Director Newell Ruggles

Directors absent: Director Steve Tye
Vice-Chair Cathy Marcucci

Staff in attendance in Windmill Room: Dan Fox, Executive Director; Ben Montgomery, Deputy Executive Director; Sam Pedroza, City of Industry Public Affairs Manager; Josh Nelson, Assistant City Manager; Kristina Santana, Authority Secretary.

Staff in attendance in telephonically: Tracy Egoscue, Authority Counsel

2. PRESENTATIONS:

- 2.1 History for the Future of Tres Hermanos Ranch – Presented by Paul Spitzzeri, Director for the Workman and Temple Family Homestead Museum.

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Chair/Marquez pointed out that there is a 45 minute presentation available on Facebook and thanked Paul Spitzzeri for his presentation.

3. PUBLIC COMMENTS:

Melanie Schlotterbeck, Hills for Everyone, speaking telephonically to New Business Item 6.3, asked for consideration of including the future of the ranch that aligns with the mission and goals of the Authority.

4. CONSENT CALENDAR

4.1 MINUTES OF THE JULY 21, 2021 REGULAR MEETING

RECOMMENDED ACTION: Approve as submitted.

4.2 PAYMENT REGISTER

RECOMMENDED ACTION: Receive and file payment register for the month of May 2021.

4.3 TREASURER’S REPORT FOR THE MONTH ENDED MAY 2021

RECOMMENDED ACTION: Receive and file the Treasurer’s Report for the months ended June 30, 2021, July 31, 2021 and August 31, 2021.

MOTION BY DIRECTOR LYONS AND SECOND BY DIRECTOR ROGERS TO APPROVE THE CONSENT CALENDAR AS PRESENTED. MOTION CARRIED 5-0 BY THE FOLLOWING VOTE:

AYES:	DIRECTORS:	LYONS, MOSS, ROGERS, RUGGLES, CHAIR/MARQUEZ
NOES:	DIRECTORS:	NONE
ABSENT:	DIRECTORS:	TYE, VC/MARCUCCI
ABSTAIN:	DIRECTORS:	NONE

5. OLD BUSINESS

There was none.

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6. NEW BUSINESS

6.1 PURCHASING AUTHORITY FOR THE EXECUTIVE DIRECTOR

Staff presentation by Executive Director Fox.

Motion by Director Ruggles and second by Director Rogers to adopt Resolution No. THCA 2021-05 Entitled: A RESOLUTION OF THE BOARD OF DIRECTORS OF THE TRES HERMANOS CONSERVATION AUTHORITY, ESTABLISHING THE EXECUTIVE DIRECTORS SIGNING AUTHORITY IN AN AMOUNT UP TO AND INCLUDING \$25,000. MOTION CARRIED 5-0 BY THE FOLLOWING VOTE:

AYES:	DIRECTORS:	LYONS, MOSS, ROGERS, RUGGLES, CHAIR/MARQUEZ
NOES:	DIRECTORS:	NONE
ABSENT:	DIRECTORS:	TYE, VC/MARCUCCI
ABSTAIN:	DIRECTORS:	NONE

6.2 REIMBURSEMENT AGREEMENTS WITH CITY OF INDUSTRY AND DIAMOND BAR FOR PROPERTY MAINTENANCE SERVICES

Staff presentation by Executive Director Fox.

Director Lyons asked if this would allow the LA County Services at the prices Diamond Bar is currently paying and Executive Director Fox responded that was correct with fixed services under the current rates.

Chair/Marquez asked if San Bernardino County had a similar agreement and Deputy Executive Director Montgomery responded that staff checked with San Bernardino County early in the process and found they were unable to offer a comparable program.

Motion by Director Moss and second by Director Lyons to approve and authorize the chair to sign the reimbursements agreements for property maintenance services with the City of Industry and Diamond Bar. Motion carried 5-0 by the following roll call vote:

AYES:	DIRECTORS:	LYONS, MOSS, ROGERS, RUGGLES, CHAIR/MARQUEZ
NOES:	DIRECTORS:	NONE

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ABSENT: DIRECTORS: TYE, VC/MARCUCCI
ABSTAIN: DIRECTORS: NONE

6.3 SELECTION OF A TRES HERMANOS CONSERVATION AUTHORITY LOGO

Staff presentation by Executive Director Fox.

Executive Director Fox clarified that the logo is proposed to be used on any print materials, staff reports, agendas, branding for the website, events and merchandise, and eventually, a variation for trailhead and trail sign improvements.

Director Moss liked Options A, B and C.

Director Ruggles was partial to A and B because they offered a cleaner look.

Director Rogers leaned toward Option 3 B or C and preferred the feel of C's landscape without the plants in the foreground.

Chair/Marquez said upon further study he liked Option 3D which reminded him of Chino Hills.

Director Lyons said that while she likes the landscape, she also likes the nod to history and favors 3 B with a cow or two on the hills.

Director Rogers suggested a silhouette of three cows (Tres) and pruning the oak tree on 3 B.

Public Comments:

Jim Gallagher agreed with Melanie Schlotterbeck that the logo should include landscape and a future vision for the property and suggested that Paul Spitzzeri might offer his historical photos for display on the website.

Paul Spitzzeri said the museum found public input during its rebranding process to be very helpful.

Discussion ensued amongst the Directors with general consensus for consideration of a hybrid of Option 3B to include the following: Landscape

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absent plants in the foreground, a nod to history and future vision for the property, a silhouette of three (a nod to Tres) longhorns grazing in the distance and a subtle rising or setting sun.

Chair/Marquez asked about polling individuals at a public event.

Chair/Marquez offered that each city could include information on their Facebook sites.

7. AUTHORITY DIRECTOR COMMENTS:

Director Moss commended staff for presenting good options for consideration and hoped everyone was doing well and staying dry.

Director Rogers felt the increase of in-person attendance improved interaction.

Chair/Marquez thanked Directors for a remarkable job on providing input.

7. ADJOURNMENT: There being no further business, Chair Ray Marquez adjourned the Tres Hermanos Conservation Authority at 6:47 p.m. to Wednesday, November 17, 2021 at 6:00 p.m.

RAY MARQUEZ
CHAIR

KRISTINA SANTANA
AUTHORITY SECRETARY

TRES HERMANOS CONSERVATION AUTHORITY

ITEM NO. 4.2

**TRES HERMANOS CONSERVATION AUTHORITY
STAFF REPORT****AGENDA NO. 4.2**

Date: November 17, 2021
To: Chair and Board of Directors
From: Daniel Fox, Executive Director
Subject: Payment Register

Recommendation:

That the Authority receive and file the payment register for the month ended September 30, 2021.

Background/Analysis:

Pursuant to the Amended and Restated Tres Hermanos Conservation Authority Joint Powers Agreement Section 5.2 Disbursements, the warrants and wire transfers of the Authority should be periodically reviewed by the Board.

Attached for your review is the payment register for the month ended September 30, 2021. These payments may include the following types: automatic clearing house (ACH), electronic funds transfer (EFT), and paper check. ACH payments have a five-digit number starting with a "2", EFT payments have a five-digit number starting with a "1", and paper checks have a four-digit number.

Respectfully Submitted,**Reviewed By,**

Christina Buhagiar, Treasurer 11/9/2021



Daniel Fox, City Manager 11/9/2021

Attachments:

1. THCA Payment Register - September 2021

Tres Hermanos Conservation Authority

Payment Register

From 9/1/2021 to 9/30/2021

#	DATE	VENDOR NAME	CONTRACT/ PO#	DESCRIPTION	RETENTION	INVOICE AMT
5030	9/1/2021	CITY OF CHINO HILLS		CH/WATER 07/13/21-08/13/21		\$479.49
				TOTAL		\$479.49
5031	9/1/2021	CITY OF INDUSTRY		LA CNTY/WEED ABATMNT/MAY-JUN21		\$17,215.14
				TOTAL		\$17,215.14
5032	9/1/2021	INDUSTRY SECURITY SERVICES, INC.		INDSTY/SECURITY SRVCS/JULY 21		\$3,225.70
				TOTAL		\$3,225.70
5033	9/15/2021	C & C ENGINEERING, INC.	THCA20-002	CNC/PROFS SRVCS/JUN21		\$1,162.50
	9/15/2021	C & C ENGINEERING, INC.	THCA20-002	CNC/PROFS SRVCS/JUL21		\$1,755.00
	9/15/2021	C & C ENGINEERING, INC.	THCA20-002	CNC/PROFS SRVCS/AUG21		\$2,192.50
				TOTAL		\$5,110.00
5034	9/15/2021	EGOSCUE LAW GROUP, INC.	THCA19-004	EGOSCUE/LEGAL/JUL21		\$87.50
	9/15/2021	EGOSCUE LAW GROUP, INC.	THCA19-004	EGOSCUE/LEGAL/AUG21		\$525.00
				TOTAL		\$612.50
5035	9/15/2021	JANUS PEST MANAGEMENT, INC.	THCA21-001	JANUS/PEST/AUG21		\$190.00
				TOTAL		\$190.00
5036	9/15/2021	TOWN WEB DESIGN LLC	THCA21-003	TOWNWEB/DESIGN-HOSTING/FY21-22		\$1,014.00
				TOTAL		\$1,014.00
5037	9/29/2021	INDUSTRY SECURITY SERVICES, INC.		INDSTY/SECURITY SRVCS/AUG21		\$3,142.98
				TOTAL		\$3,142.98
TOTAL						\$30,989.81

Note: The payments above may include the following types: automatic clearing house (ACH), electronic funds transfer (EFT), and paper check. ACH payments have a five-digit number starting with a "2", EFT payments have a five-digit number starting with a "1", and paper checks have a four-digit number.

TRES HERMANOS CONSERVATION AUTHORITY

ITEM NO. 4.3

**TRES HERMANOS CONSERVATION AUTHORITY
STAFF REPORT****AGENDA NO. 4.3**

Date: November 17, 2021
To: Chair and Board of Directors
From: Daniel Fox, Executive Director
Subject: Treasurer's Report for the Month Ended September 30, 2021.

Recommendation:

That the Authority receive and file the Treasurer's Report for the month ended September 30, 2021.

Background/Analysis:

Pursuant to the Amended and Restated Tres Hermanos Conservation Authority Joint Powers Agreement Section 5.3 Accounts, the Treasurer must verify and report in writing, at least quarterly, the amount of money held for the Authority, the amount of interest earnings, revenues, and expenditures since the last report.

Attached for your information are the Treasurer's Report for the month ended September 30, 2021.

Respectfully Submitted,**Reviewed By,**


Christina Buhagiar, Treasurer 11/9/2021


Daniel Fox, City Manager 11/9/2021

Attachments:

1. Treasurer's Report - September 2021

Tres Hermanos Conservation Authority
Treasurer's Report
For the Month Ended September 30, 2021

Description	Cost Value	Market Value	Interest/ Book Yield	Maturity Date	% of Portfolio
Cash and Cash Equivalents					
Citizens Business Bank - Premium Money Market	\$ 93,217	\$ 93,217	0.02%	n/a	27.88%
LAIF Account	241,135	241,105	0.21%	n/a	72.12%
Total Investment Portfolio	\$ 334,352	\$ 334,322			100.00%

Blended Yield of Cash and Investments 0.15%

Benchmarks:	
LAIF	0.21%
6mo U.S. Treasury	0.05%
2yr U.S. Treasury	0.28%
5yr U.S. Treasury	0.98%

I hereby certify that the investments are in compliance with the investment policy adopted by the the Board of Directors. The investment portfolio provides sufficient funds to meet the budgeted expenditures over the next six months. This report meets the requirements of Government Code Section 53646.

Christina Buhagiar
Treasurer

**Tres Hermanos Conservation Authority
Statement of Revenues, Expenditures and Changes in Fund Balances
For the Month Ended September 30, 2021**

	Revised Budget 2021/22	September 2021	Fiscal Year To Date 2021/22	% of Budget Used
Revenues:				
Investment Interest	\$ -	\$ 3	\$ 7	-
Fair Market Value Adjustment	-	-	(10)	-
Rental Income	11,700	675	2,025	17%
Contributions from Member Agencies	241,755	-	241,755	100%
Reimbursements	4,000	37	73	-
Total Revenues	257,455	715	243,850	95%
Expenditures:				
Contractual Services	197,684	7,335	9,155	5%
Legal Services	6,900	613	612	9%
Security Services	43,090	3,143	6,369	15%
Professional Services	51,615	-	1,654	3%
Office Supplies & Software	5,580	1,029	1,029	18%
Utilities	4,000	429	1,339	33%
		-		
Total Expenditures	308,869	12,549	20,158	7%
Excess of Revenues Over/(Under) Expenditures	\$ (51,414)	\$ (11,834)	\$ 223,692	
Fund Balances:				
Revised Beginning of Fiscal Year *			\$ 83,905	
Excess of Revenues Over/(Under) Expenditures			223,692	
Revised as of September 30, 2021			\$ 307,597	A
Revised Fund Balances by City:				
Chino Hills			\$ 103,037	
Diamond Bar			98,143	
Industry			106,417	
Revised Fund Balances by City			\$ 307,597	

A The revised ending fund balance in the amount of \$307,597 differs from the bank balance of \$334,352. The \$26,755 difference is the net of various year end transactions and adjustments: \$21,372 in outstanding checks, \$5,381 of A/P invoices recorded for FY 20-21; and \$2 remaining credit on tenant's account.

* The Revised Beginning Fiscal Year Fund Balance will continue to fluctuate until the FY 20-21 audit is finalized at the end of January 2022.

TRES HERMANOS CONSERVATION AUTHORITY

ITEM NO. 4.4

**TRES HERMANOS CONSERVATION AUTHORITY
STAFF REPORT****AGENDA NO. 4.4**

Date: November 17, 2021
To: Chair and Board of Directors
From: Daniel Fox, Executive Director
Subject: USE OF TELECONFERENCING IN ACCORDANCE WITH ASSEMBLY BILL 361 FOR MEETINGS OF THE TRES HERMANOS CONSERVATION AUTHORITY.

Recommendation:

Adopt Resolution No. THCA 2021-06 entitled: A RESOLUTION OF THE BOARD OF DIRECTORS OF THE TRES HERMANOS CONSERVATION AUTHORITY MAKING SPECIFIED FINDINGS RELATING TO THE USE OF TELECONFERENCING IN ACCORDANCE WITH ASSEMBLY BILL 361 FOR MEETINGS OF THE AUTHORITY SUBJECT TO STATE OPEN MEETING LAWS.

Background/Discussion:

Due to the continued impact of the COVID-19 pandemic, the California Legislature passed AB 361 (effective October 1, 2021), which authorizes a local agency to use teleconferencing without complying with certain teleconferencing requirements imposed by the Brown Act when: (1) the legislative body of a local agency holds a meeting during a declared state of emergency; (2) when state or local health officials have imposed or recommended measures to promote social distancing; and/or (3) when a local agency has determined that meeting in person would present imminent risks to the health or safety of attendees. Although the Authority is meeting in person, situations may arise in which it is unsafe for some or all of the Board of Directors to attend the meeting in person, such as when a member has been exposed to or contracted COVID-19, is unvaccinated or is in a high-risk group. In person meetings for the public may also pose safety risks for these same reasons.

Under AB 361, and specifically Government Code section 54953, legislative bodies may use teleconferencing without complying with certain teleconference requirements in the Brown Act, such as posting agendas at each teleconferencing location and permitting the public to attend each teleconferencing location; provided that the specified health and safety circumstances listed above exist and the legislative body makes specified findings that meeting in person poses a health and safety risk to its members and/or the public.

In order to have the ability to use the modified teleconferencing options, AB 361 requires that the Authority to make findings within 30-days of utilizing such provisions, and re-affirm its findings every 30 days thereafter. The first meeting that the Authority utilized the provisions of AB 361 since it went into effect on October 1, 2021, was at its

October 25, 2021 Special meeting. Conditions under which AB 361 may be utilized currently exist as described in the attached Resolution (Attachment 1). The requirements of AB 361 shall only apply in the event that a Board of Director(s) desires to attend a meeting subject to the Brown Act by way of teleconference due to concerns that attending such a meeting poses an imminent risk to his or her health and safety or those in attendance arising out of the COVID-19 pandemic. If a Board of Director(s) desire to attend a meeting by way of teleconferencing for some other reason, all Brown Act teleconferencing requirements shall apply.

The Authority is currently going beyond what the Brown Act requires by holding meetings in person and by way of teleconference and allowing the public to participate in both forums. The provisions of AB 361 allowing the modified teleconferencing will expire January 1, 2024.

Fiscal Impact:

No fiscal impact.

Legal Review:

The Authority General Counsel has reviewed and approved the Resolution as to form.

Respectfully Submitted,

Reviewed By,

Kristina Santana

Kristina Santana, City Clerk 11/4/2021

Daniel Fox

Daniel Fox, City Manager 11/8/2021

Attachments:

- 1. Resolution No. THCA 2021-06 AB 361 2021-11-17

RESOLUTION NO. THCA 2021-06

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE TRES HERMANOS CONSERVATION AUTHORITY MAKING SPECIFIED FINDINGS RELATING TO THE USE OF TELECONFERENCING IN ACCORDANCE WITH ASSEMBLY BILL 361 FOR MEETINGS OF THE AUTHORITY SUBJECT TO STATE OPEN MEETING LAWS.

WHEREAS, on March 4, 2020, California Governor Newsom declared a State of Emergency in response to the COVID-19 pandemic; and

WHEREAS, on March 12, 2020, to address the impacts of COVID-19, Governor Newsom issued Executive Orders that required, among other things, residents of California to follow orders and guidance of local public health officials, including social distancing and masking requirements; and

WHEREAS, existing California law, the Ralph M. Brown Act ("Brown Act") requires, with specified exceptions, that all meetings of a legislative body of a local agency, as those terms are defined, be open and public, that a physical location for such meetings be provided, and that the public be permitted to provide public comment during the meetings; and

WHEREAS, the Brown Act permits members of legislative bodies to teleconference into public meetings subject to certain conditions, including that the place from which the member teleconferences be open to the public, that an agenda be posted on the site, and that the teleconference location be noticed in the agenda; and

WHEREAS, in recognition that such public gatherings at such meetings could accelerate the spread of COVID-19, Governor Newsom's Executive Orders suspended, among others, these Brown Act teleconferencing requirements to provide local agencies with greater flexibility to hold meetings via teleconferencing safely; and

WHEREAS, as of September 30, 2021, the Governor's Executive Order suspending the Brown Act's teleconferencing requirements expired; and

WHEREAS, on September 16, 2021, Governor Newsom signed Assembly Bill 361, which authorizes a local agency to continue to use teleconferencing without complying with certain teleconferencing requirements imposed by the Brown Act when: (1) the legislative body of a local agency holds a meeting during a declared state of emergency; (2) when state or local health officials have imposed or recommended measures to promote social distancing; and/or (3) when a local agency has determined that meeting in person would present imminent risks to the health or safety of attendees; and

WHEREAS, both Los Angeles County and state health officials continue to recommend social distancing due to continued community spread of COVID-19 cases; and

WHEREAS, the Authority must approve a Resolution reaffirming that the requirements set forth in Assembly Bill 361 exist every 30 days in order to allow members of its legislative bodies to utilize the provisions of Assembly Bill 361 when attending public meetings via teleconferencing; and

WHEREAS, notwithstanding that the Authority, as defined by the Brown Act, are now holding modified public meetings in person, there may be situations in which a Board of Director(s) decides not to attend in person due to a particular health or safety risk posed by such attendance and as such, it is the desire of the Authority to permit its Board of Directors to attend by way of teleconference pursuant to Assembly Bill 361 due to health and safety concerns associated with COVID-19.

NOW, THEREFORE, THE BOARD OF THE TRES HERMANOS CONSERVATION AUTHORITY DOES HEREBY RESOLVE, DETERMINE AND ORDER AS FOLLOWS:

Section 1. That the above recitals are true and correct. and based thereon, that the spread and potential further spread of COVID-19 poses an imminent risk to the public health and safety.

Section 2. That meetings of the Tres Hermanos Conservation Authority are held in the City of Diamond Bar, in the County of Los Angeles, in the State of California.

Section 3. That a state of emergency due to the COVID-19 pandemic continues to exist and at the time that this Resolution was adopted both Los Angeles County and State health officials are recommending social distancing to slow the spread of COVID-19.

Section 4. Pursuant to the Emergency Services Act (Government Code sections 8550 et seq.), and Chapter 8.00 of Title 8 of the Diamond Bar Municipal Code, the City Council of the City of Diamond Bar has proclaimed the continued existence of a local emergency resulting from the COVID-19 pandemic; and

Section 5. That meeting in person may pose an imminent risk to the health and safety of some attendees, including members of the Authority Board of Directors, who due to age, health conditions, or vaccination status, have a higher risk of contracting COVID-19 and are more likely to get severely ill and in some cases, die from COVID-19.

Section 6. That during the effective period of this Resolution and any reaffirmation thereof, Authority Board of Directors may participate in meetings subject to the Brown Act by way of teleconference in accordance with Assembly Bill 361.

Section 7. That if a Board of Director(s) teleconferences into a meeting subject to the Brown Act due to an imminent health and safety risk arising out of COVID-19, the meeting shall be held in accordance with AB 361 by, among other things, providing notice to the public how it can access the meeting and provide public comment, providing an opportunity for the public to attend via a call-in or an internet-based service option,

conducting the meeting in a manner which protects the statutory and constitutional rights of the public, and stopping the meeting until public access is restored in the event of a service disruption.

Section 8. The requirements of AB 361 shall only apply in the event that a Board of Director(s) desires to attend a meeting subject to the Brown Act by way of teleconference due to concerns that attending such a meeting poses an imminent risk to his or her health and safety or those in attendance arising out of the COVID-19 pandemic. If a Board of Director(s) desire to attend a meeting by way of teleconferencing for some other reason, all Brown Act teleconferencing requirements shall apply.

IT IS FURTHER RESOLVED that this Resolution is effective for 30 days from its adoption date. Subsequent appearances by teleconferencing of the Board of Directors must be affirmed/acknowledged every 30 days by the Tres Hermanos Conservation Authority in order for the provisions of Assembly Bill 361 to continue to apply.

PASSED, APPROVED AND ADOPTED this 17th day of November, 2021.

Ray Marquez
Chair
Tres Hermanos Conservation Authority

ATTEST:

I, Kristina Santana, Secretary of the Tres Hermanos Conservation Authority, do hereby certify that the foregoing Resolution was duly passed, approved and adopted by the Board of Directors of the Tres Hermanos Conservation Authority at a regular meeting held on the 17th day of November, 2021, by the following vote:

AYES: BOARD MEMBERS:
NOES: BOARD MEMBERS:
ABSENT: BOARD MEMBERS:
ABSTAIN: BOARD MEMBERS:

Kristina Santana
Secretary
Tres Hermanos Conservation Authority