

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

**FEBRUARY 16, 2022 AGENDA
6:00 p.m.**

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

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

Addressing the Authority:

NOTICE OF TELEPHONIC MEETING:

Consistent with State Assembly Bill 361, the Tres Hermanos Conservation Authority shall be held by teleconference only. No Directors or staff will be physically present for this meeting.

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 (631) 992-3221 and entering the Access Code: 673-264-831.

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/7311970449008309517>. 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. 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.

3. CONSENT CALENDAR:

- 3.1 Minutes of the January 19, 2022 Regular Meeting.

Recommendation:

Approve the January 19, 2022 Regular Tres Hermanos Conservation Authority meeting minutes.

- 3.2 Payment Register

Recommendation:

That the Authority receive and file the payment register for the month ended December 31, 2021.

- 3.3 Treasurer's Report for the Month Ended December 31, 2021.

Recommendation:

That the Authority receive and file the Treasurer's Report for the month ended December 31, 2021.

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

Recommendation:

Adopt Resolution No. THCA 2022-03 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.

4. OLD BUSINESS:

There is none.

5. NEW BUSINESS:

There is none.

6. AUTHORITY STAFF AND AUTHORITY DIRECTOR COMMENTS:

- 7. ADJOURNMENT:** The next regular Tres Hermanos Conservation Authority meeting will be Wednesday, March 16, 2022 at 6:00 p.m.

TRES HERMANOS CONSERVATION AUTHORITY

ITEM NO. 3.1

**TRES HERMANOS CONSERVATION AUTHORITY
STAFF REPORT****AGENDA NO. 3.1**

Date: February 16, 2022
To: Chair and Board of Directors
From: Daniel Fox, Executive Director
Subject: Minutes of the January 19, 2022 Regular Meeting.

Recommendation:

Approve the January 19, 2022 Regular Tres Hermanos Conservation Authority meeting minutes.

Background/Analysis:

Attached for Board review and approval are the minutes of the January 19, 2022 Tres Hermanos Conservation Authority meetings.

Respectfully Submitted,**Reviewed By,**

Kristina Santana

Kristina Santana, City Clerk

2/8/2022

Daniel Fox

Daniel Fox, City Manager

2/9/2022

Attachments:

1. January 19, 2022 Regular Tres Hermanos Conservation Authority Minutes

TRES HERMANOS CONSERVATION AUTHORITY
 REGULAR BOARD OF DIRECTORS MEETING MINUTES
 DIAMOND BAR, CALIFORNIA
 JANUARY 19, 2022
 PAGE 1

1. CALL TO ORDER

The Regular 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, and Assembly Bill 361, the Tres Hermanos Conservation Authority was being held by teleconference only. No directors or staff were physically present for this meeting.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Chair/Marquez.

ROLL CALL

Directors in attendance telephonically:	Director Nancy Lyons Director Cory Moss Director Peter Rogers Director Newell Ruggles Vice-Chair Cathy Marcucci Chair Ray Marquez
---	--

Director Tye joined the meeting at 6:06 pm at Item 4.

Staff in attendance telephonically:	Dan Fox, Executive Director; Ben Montgomery, Deputy Executive Director; Josh Nelson, Administrative Director; Sam Pedroza, City of Industry Public Affairs Manager; Tracy Egoscue, Authority Counsel; Kristina Santana, Authority Secretary.
-------------------------------------	--

2. PUBLIC COMMENTS:

Daniel Swenson inquired when Tres Hermanos would be placed under long term protection by conservation easement or other means, when will Tres Hermanos officially be made a park and is there a plan to do so, and when will the public have access to hiking trails within Tres Hermanos.

3. REORGANIZATION OF THE BOARD OF DIRECTORS:

Selection of Chair:

TRES HERMANOS CONSERVATION AUTHORITY
 REGULAR BOARD OF DIRECTORS MEETING MINUTES
 DIAMOND BAR, CALIFORNIA
 JANUARY 19, 2022
 PAGE 2

Director Marquez nominated Director Marcucci to serve as Chair of the Tres Hermanos Conservation Authority. Director Moss seconded the nomination. No other nominations were offered. By roll call vote of 6-0, Director Marcucci was elected to serve as Chair of the Tres Hermanos Conservation Authority:

Director Lyons	Yes
Director Moss	Yes
Director Rogers	Yes
Director Ruggles	Yes
Director Tye	Absent
Director Marcucci	Yes
Director Marquez	Yes

Selection of Vice-Chair:

Director Ruggles nominated Director Lyons to serve as Vice-Chair of the Tres Hermanos Conservation Authority. Director Moss seconded the nomination. No other nominations were offered. By roll call vote of 6-0, Director Lyons was elected to serve as Vice-Chair of the Tres Hermanos Conservation Authority.

Director Lyons	Yes
Director Marquez	Yes
Director Moss	Yes
Director Rogers	Yes
Director Ruggles	Yes
Director Tye	Absent
Chair Marcucci	Yes

4. CONSENT CALENDAR:

4.1 MINUTES OF THE DECEMBER 15, 2021 REGULAR MEETING AND JANUARY 12, 2022 SPECIAL MEETING.

RECOMMENDED ACTION: Approve as submitted.

4.2 PAYMENT REGISTER.

RECOMMENDED ACTION: Receive and file Payment Register for the month ended November 30, 2021.

4.3 TREASURER'S REPORT FOR THE MONTH ENDED NOVEMBER 2021.

TRES HERMANOS CONSERVATION AUTHORITY
 REGULAR BOARD OF DIRECTORS MEETING MINUTES
 DIAMOND BAR, CALIFORNIA
 JANUARY 19, 2022
 PAGE 3

RECOMMENDED ACTION: Receive and file the Treasurer's Report for the month ended November 30, 2021.

4.4 TRANSMITTAL OF THE AUDITED FINANCIAL STATEMENTS FOR FISCAL YEAR 2020-2021.

RECOMMENDED ACTION: Receive and file the Audited Financial Statements for the fiscal year ended June 30, 2021.

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

RECOMMENDED ACTION: ADOPT RESOLUTION NO. THCA 2022-02 ENTITLED: A RESOLUTION OF THE BOARD OF DIRECTORS OF THE TRES HERMANOS CONSERVATION AUTHORITY MAKING SPECIFIED FINDINGS RELATING TO THE CONTINUED USE OF TELECONFERENCING IN ACCORDANCE WITH ASSEMBLY BILL 361 FOR MEETINGS OF THE AUTHORITY SUBJECT TO STATE OPEN MEETING LAWS.

MOTION BY DIRECTOR MOSS AND SECOND BY DIRECTOR MARQUEZ TO APPROVE THE CONSENT CALENDAR AS PRESENTED. MOTION CARRIED 6-0 BY THE FOLLOWING VOTE:

AYES:	DIRECTORS:	MARQUEZ, MOSS, ROGERS, RUGGLES, TYE, VICE-CHAIR LYONS, CHAIR MARCUCCI
NOES:	DIRECTORS:	NONE
ABSENT:	DIRECTORS:	NONE

5. OLD BUSINESS:

5.1 SELECTION OF TRES HERMANOS CONSERVATION AUTHORITY LOGO

ED/Fox provided a PowerPoint presentation.

TRES HERMANOS CONSERVATION AUTHORITY
 REGULAR BOARD OF DIRECTORS MEETING MINUTES
 DIAMOND BAR, CALIFORNIA
 JANUARY 19, 2022
 PAGE 4

RECOMMENDED ACTION: PROVIDE DIRECTION ON A PREFERRED LOGO DESIGN FOR THE TRES HERMANOS CONSERVATION AUTHORITY.

James Gallagher preferred 1B2 because it seems more natural and shows the open space.

MOTION BY DIRECTOR TYE AND SECOND BY DIRECTOR MARQUEZ TO APPROVE LOGO DESIGN 1B2. MOTION FAILED 3-4 BY THE FOLLOWING ROLL CALL VOTE:

AYES:	DIRECTORS	MARQUEZ, ROGERS, TYE,
NOES:	DIRECTORS	MOSS, RUGGLES, VICE-CHAIR LYONS, CHAIR MARCUCCI
ABSENT:	DIRECTORS	NONE

MOTION BY DIRECTOR MOSS AND SECOND BY VICE-CHAIR LYONS TO APPROVE LOGO DESIGN 1A2. MOTION FAILED 3-4 BY THE FOLLOWING ROLL CALL VOTE:

AYES:	DIRECTORS	MOSS, VICE-CHAIR LYONS, CHAIR MARCUCCI
NOES:	DIRECTORS	MARQUEZ, ROGERS, RUGGLES, TYE
ABSENT:	DIRECTORS	NONE

MOTION BY DIRECTOR RUGGLES AND SECOND BY DIRECTOR MOSS TO APPROVE LOGO DESIGN 1B1. MOTION CARRIED 7-0 BY THE FOLLOWING ROLL CALL VOTE:

AYES:	DIRECTORS	MARQUEZ, MOSS, ROGERS, RUGGLES, TYE, VICE-CHAIR LYONS, CHAIR MARCUCCI
NOES:	DIRECTORS	NONE
ABSENT:	DIRECTORS	NONE

6. NEW BUSINESS:

6.1 CONSIDERATION OF LEASE AGREEMENT FOR CATTLE GRAZING BY AND BETWEEN THE TRES HERMANOS CONSERVATION AUTHORITY AND FRANK OR SHERYL REYES, FOR THAT PORTION OF TRES HERMANOS RANCH, SOUTH OF THE ARNOLD RESERVOIR.

TRES HERMANOS CONSERVATION AUTHORITY
 REGULAR BOARD OF DIRECTORS MEETING MINUTES
 DIAMOND BAR, CALIFORNIA
 JANUARY 19, 2022
 PAGE 5

AD/Nelson provided the staff presentation.

AC/Egoscue responded to Director Marquez that upon review of the leases she determined they conform to all legal requirements. While there is no lease by asset determination, according to the staff report and staff's determination, benefits from the cattle grazing and weed abatement significantly benefits the JPA.

AD/Nelson responded to Director Marquez that in the case of short term events on the property, the lessors would be given a 45-day notice to allow them to move the cattle from a given area and a shorter notice would be given in case of emergency maintenance requirements.

AD/Nelson confirmed with Vice-Chair Lyons that the monthly lease rate is competitive.

Director Tye asked how many bids were submitted and AD/Nelson responded that in this case, all negotiations were held with existing lessors who have leased on the ranch for many years.

MOTION BY DIRECTOR ROGERS AND SECOND BY DIRECTOR VICE-CHAIR LYONS TO:

- A. *DETERMINE THE LEASE AGREEMENT TO BE EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT PURSUANT TO SECTION 15301 (CLASS 1) OF THE CEQA GUIDELINES, AND DIRECT STAFF TO FILE A NOTICE OF EXEMPTION WITH THE COUNTY OF SAN BERNARDINO CLERK OF THE BOARD;*
- B. *APPROVE A LEASE AGREEMENT WITH FRANK OR SHERYL REYES, FOR THAT PORTION OF TRES HERMANOS RANCH, SOUTH OF ARNOLD RESERVOIR, IN A FORM APPROVED BY AUTHORITY GENERAL COUNSEL; AND,*
- C. *AUTHORIZE THE EXECUTIVE DIRECTOR TO EXECUTE ALL DOCUMENTS RELATED THERETO.*

MOTION CARRIED 7-0 BY THE FOLLOWING ROLL CALL VOTE:

AYES:	DIRECTORS:	MARQUEZ, MOSS, ROGERS, RUGGLES TYE, VICE- CHAIR LYONS, CHAIR MARCUCCI
-------	------------	---

TRES HERMANOS CONSERVATION AUTHORITY
 REGULAR BOARD OF DIRECTORS MEETING MINUTES
 DIAMOND BAR, CALIFORNIA
 JANUARY 19, 2022
 PAGE 6

NOES: DIRECTORS: NONE
 ABSENT: DIRECTORS: NONE

6.2 CONSIDERATION OF LEASE AGREEMENT FOR CATTLE GRAZING BY AND BETWEEN THE TRES HERMANOS CONSERVATION AUTHORITY AND DEBRA SCOTT, MELISSA MISNER AND MARK DRUM FOR THAT PORTION OF TRES HERMANOS RANCH, NORTH OF ARNOLD RESERVOIR.

AD/Nelson provided the staff presentation.

MOTION BY DIRECTOR MOSS AND SECOND BY CHAIR MARCUCCI TO:

- A. *DETERMINE THAT THE LEASE AGREEMENT IS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT PURSUANT TO SECTION 15301 (CLASS 1) OF THE CEQA GUIDELINES, AND DIRECT STAFF TO FILE A NOTICE OF EXEMPTION WITH THE COUNTY OF LOS ANGELES CLERK AND COUNTY OF SAN BERNARDINO CLERK OF THE BOARD;*
- B. *APPROVE A LEASE AGREEMENT WITH DEBRA SCOTT AND MELISSA MISNER FOR THAT PORTION OF TRES HERMANOS RANCH, NORTH OF ARNOLD RESERVOIR, IN A FORM APPROVED BY AUTHORITY GENERAL COUNSEL; AND,*
- C. *AUTHORIZE THE EXECUTIVE DIRECTOR TO EXECUTE ALL DOCUMENTS RELATED THERETO AS AMENDED WITH THE DELETION OF MARK DRUM FROM ITEM B.*

MOTION CARRIED 7-0 BY THE FOLLOWING ROLL CALL VOTE:

AYES: DIRECTORS: MARQUEZ, MOSS, ROGERS, RUGGLES,
 TYE, VICE- CHAIR LYONS, CHAIR
 MARCUCCI
 NOES: DIRECTORS: NONE
 ABSENT: DIRECTORS: NONE

TRES HERMANOS CONSERVATION AUTHORITY
REGULAR BOARD OF DIRECTORS MEETING MINUTES
DIAMOND BAR, CALIFORNIA
JANUARY 19, 2022
PAGE 7

7. AUTHORITY STAFF AND AUTHORITY DIRECTOR COMMENTS:

ED/Fox wished everyone a safe, healthy and Happy New Year and thanked all for their feedback and logo decision. Great progress is being made on the website which he hopes will be available for preview at the next meeting.

Director Tye wished everyone a Happy New Year.
Director Moss wished everyone a Happy and Safe New Year and thanked staff and everyone who participated in getting the logo approved.

Director Marquez congratulated Chair Marcucci and Vice-Chair Lyons on their appointments, thanked staff for getting the cattle leases together and hoped there would be an open house for commissioners in the near future.

Vice-Chair Lyons thanked Director Marquez for his leadership during the past year, congratulated Chair Marcucci on her appointment, indicated she was very happy with the Authority's logo selection and agreed with Director Marquez that an open house for commissioners was a good idea.

Director Rogers thanked everyone and while things may appear to be moving slowly, there is nothing wrong with taking time to get it right on a piece of land like Tres Hermanos. He thanked ED/Fox for coordinating the logo effort and looks forwarding to seeing the new website. Happy New Year!

- 8. ADJOURNMENT:** There being no further business, Chair Marcucci adjourned the Tres Hermanos Conservation Authority Regular Meeting at 6:43 p.m. to Wednesday, February 16, 2022 at 6:00 p.m.

CATHY MARCUCCI
CHAIR

KRISTINA SANTANA
AUTHORITY SECRETARY

TRES HERMANOS CONSERVATION AUTHORITY

ITEM NO. 3.2

**TRES HERMANOS CONSERVATION AUTHORITY
STAFF REPORT****AGENDA NO. 3.2**

Date: February 16, 2022
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 December 31, 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 December 31, 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 2/4/2022



Daniel Fox, City Manager 2/8/2022

Attachments:

1. THCA Payment Register - December 2021

Tres Hermanos Conservation Authority

Payment Register

From 12/1/2021 to 12/31/2021

#	DATE	VENDOR NAME	CONTRACT/ PO#	DESCRIPTION	RETENTION	INVOICE AMT
5051	12/1/2021	CITY OF CHINO HILLS		CH/WATER 10/14/21-11/10/21		\$359.52
TOTAL						\$359.52
5052	12/8/2021	INDUSTRY SECURITY SERVICES, INC.		INDSTY/SECURITY SRVCS/OCT21		\$3,142.98
TOTAL						\$3,142.98
5053	12/15/2021	CITY OF CHINO HILLS		CH/STAFF TIME/OCT21		\$905.59
TOTAL						\$905.59
5054	12/15/2021	CITY OF INDUSTRY		LACNTY/PEST-WEEDABT/AUG21		\$3,929.97
	12/15/2021	CITY OF INDUSTRY		LACNTY/PEST-WEEDABT/SEP21		\$19,018.42
TOTAL						\$22,948.39
5055	12/15/2021	EGOSCUE LAW GROUP, INC.	THCA19-004	EGOSCUE/LEGAL/NOV21		\$787.50
TOTAL						\$787.50
5056	12/15/2021	INDUSTRY SECURITY SERVICES, INC.		INDSTY/SECURITY SRVCS/NOV21		\$3,198.16
TOTAL						\$3,198.16
5057	12/15/2021	JANUS PEST MANAGEMENT, INC.	THCA21-001	JANUS/PEST/NOV21		\$190.00
TOTAL						\$190.00
5058	12/22/2021	CITY OF INDUSTRY		LACNTY/PEST-WEEDABT/OCT21		\$234.32
TOTAL						\$234.32
5059	12/22/2021	STATE OF CALIFORNIA		WTR RIGHTS/FY21/22		\$311.39
TOTAL						\$311.39
103814*	12/15/2021	LSL CPA'S	A2021-065	LSL/AUDIT/FY2021		\$200.00
TOTAL						\$200.00
TOTAL						\$32,277.85

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.

*This payment was inadvertently paid by the City of Chino Hills and therefore has a Chino Hills check number. Tres Hermanos Conservation Authority has reimbursed the City of Chino Hills via a wire transfer.

TRES HERMANOS CONSERVATION AUTHORITY

ITEM NO. 3.3

**TRES HERMANOS CONSERVATION AUTHORITY
STAFF REPORT****AGENDA NO. 3.3**

Date: February 16, 2022
To: Chair and Board of Directors
From: Daniel Fox, Executive Director
Subject: Treasurer's Report for the Month Ended December 31, 2021.

Recommendation:

That the Authority receive and file the Treasurer's Report for the month ended December 31, 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 is the Treasurer's Report for the month ended December 31, 2021.

Respectfully Submitted,**Reviewed By,**

Christina Buhagiar, Treasurer 2/4/2022



Daniel Fox, City Manager 2/8/2022

Attachments:

1. Treasurer's Report - December 2021

Tres Hermanos Conservation Authority
Treasurer's Report
For the Month Ended December 31, 2021

Description	Cost Value	Market Value	Interest/ Book Yield	Maturity Date	% of Portfolio
Cash and Cash Equivalents					
Citizens Business Bank - Premium Money Market LAIF Account	\$ 42,557	\$ 42,557	0.02%	n/a	15.03%
	241,217	240,600	0.21%	n/a	84.97%
Total Investment Portfolio	\$ 283,774	\$ 283,157			100.00%

Blended Yield of Cash and Investments 0.18%

Benchmarks:	
LAIF	0.21%
6mo U.S. Treasury	0.19%
2yr U.S. Treasury	0.73%
5yr U.S. Treasury	1.26%

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 December 31, 2021

	<u>Revised Budget 2021/22</u>	<u>December 2021</u>	<u>Fiscal Year To Date 2021/22</u>	<u>% of Budget Used</u>
Revenues:				
Interest Income	\$ -	\$ 1	\$ 92	-
Fair Market Value Adjustment	-	-	(10)	-
Rental Income	11,700	675	4,050	35%
Reimbursements	4,000	37	183	5%
Contributions from Member Agencies	241,755	-	241,755	100%
Total Revenues	<u>257,455</u>	<u>713</u>	<u>246,070</u>	<u>96%</u>
Expenditures:				
Contractual Services	189,820	23,373	40,047	21%
Bank Charges	180	-	7	4%
Audit Services	2,855	200	2,000	70%
Legal Services	6,900	788	2,188	32%
Security Services	43,090	3,198	15,853	37%
Professional Services	30,000	905	4,703	16%
Liability Insurance	18,760	-	1,654	9%
Office Supplies	5,400	-	1,014	19%
Water	4,000	356	2,460	62%
Permits & Fees	7,864	311	311	4%
Total Expenditures	<u>308,869</u>	<u>29,131</u>	<u>70,237</u>	<u>23%</u>
Excess of Revenues Over/(Under) Expenditures	<u>\$ (51,414)</u>	<u>\$ (28,418)</u>	<u>\$ 175,833</u>	
Fund Balances:				
Beginning of Fiscal Year			\$ 83,905	
Excess of Revenues Over/(Under) Expenditures			175,833	
As of December 31, 2021			<u>\$ 259,738</u>	A
Fund Balances by City:				
Chino Hills			\$ 87,084	
Diamond Bar			82,190	
Industry			90,464	
Total Fund Balances by City			<u>\$ 259,738</u>	

A The ending fund balance in the amount of \$259,738 differs from the bank balance of \$283,774. The (\$24,036) difference is the net of (\$23,494) in outstanding checks, (\$556) in accounts payable and \$14 in accounts receivable on the tenant's account.

TRES HERMANOS CONSERVATION AUTHORITY

ITEM NO. 3.4

**TRES HERMANOS CONSERVATION AUTHORITY
STAFF REPORT****AGENDA NO. 3.4**

Date: February 16, 2022
To: Chair and Board of Directors
From: Daniel Fox, Executive Director
Subject: CONTINUED USE OF TELECONFERENCING IN ACCORDANCE WITH ASSEMBLY BILL 361 FOR MEETINGS OF THE TRES HERMANOS CONSERVATION AUTHORITY.

Recommendation:

Adopt Resolution No. THCA 2022-03 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.

The Authority first utilized the provisions of AB 361 at its Special meeting on October 25, 2021. In order to continue to have the ability to use the modified teleconferencing options, AB 361 requires that the Authority re-affirm its findings every 30 days thereafter. Conditions under which AB 361 may be utilized continue to exist as described in the attached Resolution (Attachment 1).

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

2/2/2022

Daniel Fox

Daniel Fox, City Manager

2/8/2022

Attachments:

1. Resolution No. THCA 2022-03

RESOLUTION NO. THCA 2022-03**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 first utilized the provisions authorized by AB 361 at a Special meeting on October 25, 2021, and subsequently adopted Resolution Nos. THCA 2021-06, 2021-07, 2022-01 and 2022-02 re-affirming its continued use.

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.

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. 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 5. 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 6. That meetings 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.

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 16th day of February, 2022.

Cathy Marcucci, 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 16th day of February, 2022, by the following vote:

AYES: DIRECTORS:

NOES: DIRECTORS:

ABSENT: DIRECTORS:

ABSTAIN: DIRECTORS:

Kristina Santana
Secretary
Tres Hermanos Conservation Authority