TRES HERMANOS CONSERVATION AUTHORITY BOARD OF DIRECTORS REGULAR MEETING

MARCH 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 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 recommended.

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) 655-0052 and entering the Access Code: 509-791-253.

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/3839426856088331024. 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 <u>NO</u> 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. <u>Comments are limited to five minutes per Speaker</u>.

3. CONSENT CALENDAR:

3.1 Minutes of the February 16, 2022 Regular Meeting.

Recommendation:

Approve the February 16, 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 January 31, 2022.

3.3 Treasurer's Report for the Month Ended January 31, 2022.

Recommendation:

That the Authority receive and file the Treasurer's Report for the month ended January 31, 2022.

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 2022-04 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.

3.5 Statement of Investment Policy for Fiscal Year 2022-23

Recommendation:

Adopt a Resolution No. THCA 2022-05 entitled: "A RESOLUTION OF THE BOARD OF DIRECTORS OF THE TRES HERMANOS CONSERVATION AUTHORITY, ADOPTING THE STATEMENT OF INVESTMENT POLICY FOR FISCAL YEAR 2022-23."

4. OLD BUSINESS:

There Is None.

5. NEW BUSINESS:

5.1 Proposed Budget for Fiscal Year 2022-23

Recommendation:

Adopt Resolution No. THCA 2022-06 entitled: "A RESOLUTION OF THE BOARD OF DIRECTORS OF THE TRES HERMANOS CONSERVATION AUTHORITY, ADOPTING A BUDGET FOR FISCAL YEAR 2022-23."

5.2 Preview of the Tres Hermanos Conservation Authority Website.

Recommendation:

Hear presentation and provide comments as deemed appropriate.

6. AUTHORITY STAFF AND AUTHORITY DIRECTOR COMMENTS:

7. ADJOURNMENT: The next regular Tres Hermanos Conservation Authority meeting will be Wednesday, April 20, 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: March 16, 2022

To: Chair and Board of Directors

From: Daniel Fox, Executive Director

Subject: Minutes of the February 16, 2022 Regular Meeting.

Recommendation:

Approve the February 16, 2022 Regular Tres Hermanos Conservation Authority meeting minutes.

Background/Analysis:

Attached for Board review and approval are the minutes of the February 16, 2022 Tres Hermanos Conservation Authority meetings.

Respectfully Submitted,

Kristina Santana

Reviewed By,

Daniel Fox City Manager

Attachments:

1. February 16, 2022 Regular Tres Hermanos Conservation Authority Minutes

3/9/2022

TRES HERMANOS CONSERVATION AUTHORITY REGULAR BOARD OF DIRECTORS MEETING MINUTES DIAMOND BAR, CALIFORNIA February 16, 2022 PAGE 1

1. CALL TO ORDER

The Regular Meeting of the Tres Hermanos Conservation Authority was called to order by Chair Marcucci at 6:00 p.m.

Chair Marcucci 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/ Marcucci.

ROLL CALL

Directors in attendance telephonically: Director Ray Marquez

Director Cory Moss Director Peter Rogers Director Newell Ruggles Director Steve Tye

Vice-Chair Nancy Lyons
Chair Cathy Marcucci

Staff in attendance telephonically: Dan Fox, Executive Director; Ben Montgomery, Deputy Executive Director; Tracy Egoscue, Authority Counsel; and Kristina Santana, Authority Secretary.

2. PUBLIC COMMENTS:

There were none.

3. CONSENT CALENDAR:

3.1 MINUTES OF THE JANUARY 19, 2022 REGULAR MEETING.

RECOMMENDED ACTION: Approve as submitted.

TRES HERMANOS CONSERVATION AUTHORITY REGULAR BOARD OF DIRECTORS MEETING MINUTES DIAMOND BAR, CALIFORNIA February 16, 2022 PAGE 2

3.2 PAYMENT REGISTER.

RECOMMENDED ACTION: Receive and file Payment Register for the month ended December 31, 2021.

3.3 TREASURER'S REPORT FOR THE MONTH ENDED DECEMBER 31, 2021.

RECOMMENDED ACTION: 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.

RECOMMENDED ACTION: 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 CONTINUED USE OF TELECONFERENCING IN ACCORDANCE WITH ASSEMBLY BILL 361 FOR MEETINGS OF THE AUTHORITY SUBJECT TO STATE OPEN MEETING LAWS.

MOTION BY DIRECTOR MARQUEZ AND SECOND BY DIRECTOR MOSS TO APPROVE THE CONSENT CALENDAR AS PRESENTED. MOTION CARRIED 7-0 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:

There was none.

6. NEW BUSINESS:

There was none.

TRES HERMANOS CONSERVATION AUTHORITY REGULAR BOARD OF DIRECTORS MEETING MINUTES DIAMOND BAR, CALIFORNIA February 16, 2022 PAGE 3

7. AUTHORITY STAFF AND AUTHORITY DIRECTOR COMMENTS:

Director Rogers commented that it was nice to see the logo in place which reflects the property, future and past of the new conservancy and hoped that the Authority would be able to hold in-person meetings in the near future.

Director Marquez thanked staff for the cattle lease agreements and asked if they had been signed to which ED/Fox responded he believed they had.

Director Moss mentioned she looks forward to meeting in person, said it was nice to see the new logo and hoped everyone was well.

VC/Lyons said the new logo looks great, the property looks great and she looks forward to meeting in person.

ED/Fox said the Authority will return to in-person and hybrid virtual meetings at Diamond Bar City Hall on March 16th. Staff continues to work on the website and is commencing work on next year's budget.

Chair/Marcucci likes the new logo and looks forward to meeting in-person.

8.	ADJOURNMENT:	There	being	no	further	business,	Chair	Marcucci
	adjourned the Tres Herma	nos Cor	nservati	on A	uthority	Regular Me	eting at	6:08 p.m.
	to Wednesday, March 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: March 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 January 31, 2022.

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 January 31, 2022. 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
Christina Buhagiar, Treasurer 3/9/

3/0/2022

Daniel Fox Daniel Fox

3/9/2022

Attachments:

1. THCA Payment Register - January 2022

Tres Hermanos Conservation Authority

Payment Register

From 1/1/2022 to 1/31/2022

			- , , -	, - , -		
#	DATE	VENDOR NAME	CONTRACT/ PO#	DESCRIPTION	RETENTION	INVOICE AMT
5060	1/5/2022	CITY OF CHINO HILLS		CH/WATER 11/10/21-12/13/21		\$355.65
					TOTAL	\$355.65
5061	1/12/2022	EGOSCUE LAW GROUP, INC.	THCA19-004	EGOSCUE/LEGAL/DEC21		\$437.50
					TOTAL	\$437.50
5062	1/12/2022	JANUS PEST MANAGEMENT, INC.	THCA21-001	JANUS/PEST/DEC21		\$65.00
					TOTAL	\$65.00
5063	1/20/2022	CLERK OF THE BOARD OF SUPERVSR		NOTICE OF EXPMT-N. OF ARNOLD RESERVO	IR	\$50.00
	1/20/2022	CLERK OF THE BOARD OF SUPERVSR		NOTICE OF EXPMT-S. OF ARNOLD RESERVO	IR	\$50.00
					TOTAL	\$100.00
5064	1/25/2022	CITY OF CHINO HILLS		CH/POSTAGE/DEC21		\$4.32
	1/25/2022	CITY OF CHINO HILLS		CH/STAFF TIME/NOV21-DEC21		\$1,051.65
					TOTAL	\$1,055.97
5065	1/25/2022	INDUSTRY SECURITY SERVICES, INC.		INDSTY/SECURITY SRVCS/DEC21		\$3,499.88
					TOTAL	\$3,499.88
5066	1/25/2022	ON TRAC		ONTRAC/POSTAGE/DEC21		\$4.32
					TOTAL	\$4.32
TOTAL						\$5,518.32

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 "1", and paper checks have a four-digit number.

TRES HERMANOS CONSERVATION AUTHORITY
ITEM NO. 3.3

TRES HERMANOS CONSERVATION AUTHORITY STAFF REPORT

AGENDA NO. 3.3

Date: March 16, 2022

To: Chair and Board of Directors

From: Daniel Fox, Executive Director

Subject: Treasurer's Report for the Month Ended January 31, 2022.

Recommendation:

That the Authority receive and file the Treasurer's Report for the month ended January 31, 2022.

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 January 31, 2022.

Respectfully Submitted,

Reviewed By,

Christina Buhagiar
Christina Buhagiar
Christina Buhagiar, Treasurer

3/9/2022

Daniel Fox Duniel Fox

3/9/2022

Attachments:

1. Treasurer's Report - January 2022

Tres Hermanos Conservation Authority Treasurer's Report For the Month Ended January 31, 2022

Description	Cost Value	Ma	rket Value	Interest/ Book Yield	Maturity Date	% of Portfolio
Cash and Cash Equivalents Citizens Business Bank - Premium Money Market LAIF Account	\$ 14,130 241,356	\$	14,130 240,738	0.02% 0.23%	n/a n/a	5.54% 94.46%
Total Investment Portfolio	\$ 255,486	\$	254,868			100.00%

Blended Yield of Cash and Investments	0.22%
---------------------------------------	-------

Benchmarks:	
LAIF	0.23%
6mo U.S. Treasury	0.49%
2yr U.S. Treasury	1.18%
5yr U.S. Treasury	1.62%

I hereby certify that the investments are in compliance with the investment policy adopted by 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 January 31, 2022

		Revised Budget 2021/22	J	anuary 2022	7	scal Year To Date 2021/22	% of Budget Used
Revenues:							
Interest Income	\$	_	\$	139	\$	231	_
Fair Market Value Adjustment	Ψ	_	Ψ	-	Ψ	(10)	_
Rental Income		11,700		675		4,725	40%
Reimbursements		4,000		37		220	6%
Contributions from Member Agencies		241,755		-		241,755	100%
Total Revenues		257,455		851		246,921	96%
Expenditures:							
Contractual Services		187,640		299		40,346	22%
Bank Charges		180		-		7	4%
Audit Services		2,855		-		2,000	70%
Legal Services		6,900		437		2,625	38%
Security Services		45,270		3,500		19,353	43%
Professional Services		30,000		1,052		5,755	19%
Liability Insurance		18,760		-		1,654	9%
Office Supplies		5,400		9		1,023	19%
Water		4,000		251		2,711	68%
Permits & Fees		7,864		175		486	6%
Total Expenditures		308,869		5,723		75,960	25%
Excess of Revenues Over/(Under) Expenditures	\$	(51,414)	\$	(4,872)	\$	170,961	
Fund Balances:							
Beginning of Fiscal Year					\$	83,905	
Excess of Revenues Over/(Under) Expenditure	es					170,961	
As of January 31, 2022					\$	254,866 A	
Fund Balances by City: Chino Hills Diamond Bar Industry					\$	85,460 80,566 88,840	
Total Fund Balances by City					\$	254,866	

A The ending fund balance in the amount of \$254,866 differs from the bank balance of \$255,486. The (\$620) difference is the net of (\$100) in outstanding checks, (\$539) in accounts payable and \$19 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: March 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 2022-04 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,

Daniel Fox
Daniel Fox, City Manager 3/3/2022

Attachments:

1. Resolution No. THCA 2022-04 AB 361

RESOLUTION NO. THCA 2022-04

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, 2022-02 and 2022-03 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:
- <u>Section 1.</u> 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.
- <u>Section 2.</u> 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.
- <u>Section 3.</u> 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.
- <u>Section 4.</u> 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.
- <u>Section 5.</u> 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.
- <u>Section 6.</u> 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 March, 2022.

Cathy Marcucci, Chair	
Tres Hermanos Conservation Author	ity

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 March, 2022, by the following vote:

AYES: DIRECTORS:

NOES: DIRECTORS:

ABSENT: DIRECTORS:

ABSTAIN: DIRECTORS:

Kristina Santana
Secretary
Tres Hermanos Conservation Authority

TRES HERMANOS CONSERVATION AUTHORITY
ITEM NO. 3.5

TRES HERMANOS CONSERVATION AUTHORITY STAFF REPORT

AGENDA NO. 3.5

Date: March 16, 2022

To: Chair and Board of Directors

From: Daniel Fox, Executive Director

Subject: Statement of Investment Policy for Fiscal Year 2022-23

Recommendation:

Adopt a Resolution No. THCA 2022-05 entitled: "A RESOLUTION OF THE BOARD OF DIRECTORS OF THE TRES HERMANOS CONSERVATION AUTHORITY, ADOPTING THE STATEMENT OF INVESTMENT POLICY FOR FISCAL YEAR 2022-23."

Background/Analysis:

Pursuant to the Amended and Restated Tres Hermanos Conservation Authority Joint Powers Agreement Section 3.8 Treasurer, an investment policy will need to be annually adopted by the Board of Directors, as required by the State of California Government Code section 53646, and consistent with Government Code sections 16429.1, 53601, 53635, and 53684, as they may be amended. No additions or revisions have been made to the Authority's Investment Policy for Fiscal Year 2022-23 (see Exhibit A).

Respectfully Submitted,

Reviewed By,



3/0/2022



3/10/2022

Attachments:

- 1. Resolution No. THCA 2022-05 Investment Policy FY 22-23
- 2. Exhibit A Tres Hermanos Investment Policy FY 22-23 Final

RESOLUTION NO. THCA 2022-05

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE TRES HERMANOS CONSERVATION AUTHORITY, ADOPTING THE STATEMENT OF INVESTMENT POLICY FOR FISCAL YEAR 2022-23

WHEREAS, the Statement of Investment Policy provides the Board of Directors shall annually review the Statement of Investment Policy; and

WHEREAS, the Tres Hermanos Conservation Authority (Authority) requests to adopt the Statement of Investment Policy for the Fiscal Year 2022-23.

NOW, THEREFORE, BE IT RESOLVED,

Section 1. Investments of the Authority's funds for the Fiscal Year 2022-23 shall be made in accordance with the Authority's Statement of Investment Policy attached to this Resolution as Exhibit "A".

- **Section 2**. The policy adopted by this Resolution is in addition to and supplements any other legal requirements.
- **Section 3**. The Statement of Investment Policy adopted by this Resolution supersedes all investment policies previously adopted by the Board of Directors.
- **Section 4**. The Treasurer must make a monthly report of any investment transactions to the Board of Directors as required by Government Code section 53607.

Section 5. This Resolution will take effect on July 1, 2022.

PASSED, APPROVED, AND ADOPTED this 16th day of March 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 and regularly passed, approved and adopted by the Board of Directors of the Tres Hermanos Conservation Authority, at its regular meeting held on the 16th day of March 2022, by the following Roll Call vote:

AYES: DIRECTORS:

NOES: DIRECTORS:

ABSENT: DIRECTORS:

ABSTAIN: DIRECTORS:

Kristina Santana, Secretary
Tres Hermanos Conservation Authority

Exhibit A

TRES HERMANOS CONSERVATION AUTHORITY Statement of Investment Policy Fiscal Year 2022-23

I. POLICY

It is the policy of the Tres Hermanos Conservation Authority ("Authority") to meet the short and long-term cash flow demands of the Authority in a manner which will provide for the safety of principal and sufficient liquidity while providing an investment return. The purpose of this Statement of Investment Policy ("Investment Policy") is to outline a process of the investment of Authority funds in a prudent manner in order to meet Authority objectives.

II. SCOPE

This Investment Policy applies to all investment activities and financial assets of the Authority held by the Authority and its agents and trustees.

III. DELEGATION OF AUTHORITY

Pursuant to the Authority's By-Laws the Treasurer shall perform the duties as authorized in Section 6506 et seq. of the Government Code.

Where the Board of Directors delegates the responsibility for investing the Authority's funds to the Treasurer, if the Treasurer is absent or otherwise unavailable to make investments, the Treasurer delegates those responsibilities to the Finance Manager at the City of Chino Hills. Investments made by the Finance Manager will be restricted to the State of California Local Agency Investment Fund ("LAIF"). The Treasurer may delegate to subordinates the execution of daily investment transactions. These investment transactions shall be approved by the Treasurer.

IV. PRUDENCE

All investments purchased shall have daily liquidity or a final stated maturity date upon which the full principal value of the security will be received. Although the investment will mature at full principal value, it is recognized that the market will vary throughout the life of the security.

V. <u>OBJECTIVE</u>

The objective of the investment portfolio is to meet the short and long-term cash flow demands of the Authority. To achieve this objective, the portfolio will be structured to provide safety of principal and liquidity while then providing a return on investments.

The following criteria, in priority order, shall govern all investment decisions.

A. Safety of Principal

Investments of the Authority shall be undertaken in a manner that seeks to ensure that capital losses are minimized, whether from institution default or erosion of the market value of securities. The Authority shall seek to preserve principal by mitigating the two types of risk in order of importance: 1) credit risk, and 2) market or interest rate risk.

- 1. <u>Credit Risk</u>. Credit risk, defined as the risk of loss due to failure of an issuer of a security, shall be mitigated by purchasing Treasuries or high-grade securities. All investments beyond Treasury securities will be diversified so that the failure of any one issuer would not unduly harm the Authority's cash flow. Credit risk shall also be mitigated by pre-qualifying financial institutions, broker/dealers, intermediaries and advisors with which the Authority does business.
- 2. Market or Interest Rate Risk. Interest rate risk is the risk that the market value of securities in the portfolio will fall due to changes in Interest rate risk may be mitigated by general interest rates. structuring the funds so that securities mature to meet cash requirements for ongoing operations, thereby avoiding the need to sell securities on the open market prior to maturity, and by investing operating funds primarily in shorter-term securities. The cash flow is updated on a daily basis and will be considered prior to the investment of securities, which will reduce the necessity to sell investments for liquidity purposes. Long-term securities shall not be purchased for the sole purpose of short-term speculation. Securities shall not be sold prior to maturity with the following exceptions: 1) a declining credit security would be sold early to minimize loss of principal, 2) a security swap would improve the quality, yield, or target duration in the portfolio, or 3) liquidity needs of the portfolio require that the security be sold. Purchases of investments will be restricted to securities with a final stated maturity not to exceed five (5) years.

B. Liquidity

The funds shall remain sufficiently liquid to meet all operating requirements that may be reasonably anticipated.

C. Return on Investments

The funds shall be designed to attain a return on investments through budgetary and economic cycles, taking into account the investment risk constraints and liquidity needs. Return on investment is of least importance compared to the safety and liquidity objectives described above. The core of investments are limited to relatively low risk securities in anticipation of earning a fair return relative to the risk being assumed.

VI. <u>ETHICS AND CONFLICTS OF INTEREST</u>

The Treasurer and other employees involved in the investment process shall refrain from personal business activity that could conflict with proper execution of the investment program or which could impair their ability to make impartial investment decisions. The Treasurer and investment employees shall disclose any material interests in financial institutions with which they conduct business. They shall further disclose any personal financial/investment positions that could be related to the performance of the investment portfolio and shall refrain from undertaking personal investment transactions with the same individual with whom business is conducted on behalf of their entity. The Treasurer and investment employees are required to file annual disclosure statements as required by the Fair Political Practices Commission (FPPC). During the course of the year, if there is an event subject to disclosure that could impair the ability of the Treasurer or investment employees to make impartial decisions, the Board of Directors will be notified in writing within 10 days of the event.

VII. SAFEKEEPING OF SECURITIES

Investments in LAIF are undeliverable and are not subject to delivery or third-party safekeeping. The Treasurer shall not be responsible for securities delivered to and receipted for by a financial institution until they are withdrawn from the financial institution by the Treasurer.

On a monthly basis, the custodial asset statement shall be reconciled with the month end portfolio holdings. On an annual basis, the external auditor confirms investment holdings.

VIII. REPORTING

Pursuant to Section 53607 and Section 53646 of the Government Code, the Treasurer shall render a report to the Board of Directors containing detailed information on all investments and moneys of the Authority. The report will be submitted on a monthly basis and be provided to the Board of Directors within 30 days following the end of the month.

The report will contain the following information on the funds that are subject to this Investment Policy: 1) the type of investment, name of the insurer, date of maturity, cost in each investment, 2) the market value and source of the valuation, 3) a description of the compliance with the statement of Investment Policy, and 4) a statement denoting the Authority's ability to meet its pool's expenditure requirements for the next six months, and 5) transactions for the period.

IX. INTERNAL CONTROLS

The Treasurer shall develop a system of internal investment controls and a segregation of responsibilities of investment functions in order to assure an adequate system of internal control over the investment function. The objectives of an internal control structure are to provide management with reasonable, but not absolute, assurance that assets are safeguarded against loss from unauthorized use or disposition, and that transactions are executed in accordance with management's authorization and recorded properly to permit the preparation of general purpose financial statements in accordance with generally accepted accounting principles. Because of inherent limitations in any internal control structure, errors or irregularities may nevertheless occur and not be detected.

X. <u>AUTHORIZED INVESTMENTS</u>

The Authority's investments are governed by California Government Code, Sections 53600 *et seq*. Within the investments permitted by the Code, the Authority seeks to further restrict eligible investments to the guidelines listed below. In the event a discrepancy is found between this policy and the Code, the more restrictive parameters will take precedence. Percentage holding limits and credit limits listed in this section apply at the time the security is purchased.

STATE OF CALIFORNIA LOCAL AGENCY INVESTMENT FUND (LAIF), provided that:

- The Authority may invest up to the maximum amount permitted by LAIF.
- LAIF's investments in instruments prohibited by or not specified in the Authority's
 policy do not exclude the investment in LAIF itself from the Authority's list of
 allowable investments, provided LAIF's reports allow the Treasurer to adequately
 judge the risk inherent in LAIF's portfolio.

XI. PROHIBITED INVESTMENTS AND TRANSACTIONS

- A. The Authority shall not invest any funds in inverse floaters, range notes, or mortgage derived, interest-only strips.
- B. The Authority shall not invest any funds in any security that could result in zero interest accrual if held to maturity. However, the Authority may hold prohibited instruments until their maturity dates. The limitation in this subdivision shall not apply to Authority investments in shares of beneficial interest issued by diversified management companies registered under the Investment Company Act of 1940 (15 U.S.C. Sec. 80a-1, and following) that are authorized for investment pursuant to Section XIV, above.
- C. No credit union may act as a selected depository institution under Section 53601.8 or Section 53635.8 for certificates of deposit.
- D. The Authority shall not purchase or sell securities on margin.

- E. Reverse Repurchase Agreements shall not be directly used by the Authority.
- F. The purchase of foreign currency denominated securities is prohibited.

XII. POLICY REVIEW

In accordance with amended Section 53646 of the Government Code, the Treasurer will annually render a Statement of Investment Policy for review by the Board of Directors to ensure its consistency with the overall objectives of preservation of principal, liquidity, and return, and its relevance to current law, financial and economic trends, and to meet the needs of the Authority.

_____ 3.5.b

TRES HERMANOS CONSERVATION AUTHORITY OFFICE OF THE TREASURER BANK/SAVINGS AND LOAN QUESTIONNAIRE AND CERTIFICATION

	ne of Firm:		
Add	ress:		
		() (Nat. Headquarters)	
Prim	nary Representative:	Manager:	
Nam	ne:	Name:	
Title	o:	Title:	
Tel.	No. ()	Tel. No. ()	
Wha	at are the Total Assets of the	Bank/Savings and Loan?	
Wha	at was the Net Worth Ratio for	r the Previous Year?	
\^/-	at is your required Capital Rat		
vvna	at is your required Capital Nat	tios?	
A. B. C.	Tangible Capital Ratio Core Capital Ratio	tios?	
A. B. C.	Tangible Capital Ratio Core Capital Ratio Risk-Based Capital Ratio _		
A. B. C. Wha	Tangible Capital Ratio Core Capital Ratio Risk-Based Capital Ratio _ at are your Ratings (i.e., S&P,		

11	Have you read the California Government Code Section 53630 through 53684 pertaining to the State's requirements governing the deposit of monies by Local Agencies? [] YES [] NO
12	Amounts above the FDIC insurance coverage must be collateralized as specified in the Government Code. Where is the collateral for Deposits held?
	Has there ever been a failure to fully collateralize? If Yes, please attach explanation.
13	What is the education level of the Primary Contact(s)?
14	How many years of related experience does the Primary Contact(s) have?
15	What transaction documents and reports would we receive?
16	What information would you provide to our Treasurer?
17	Describe the precautions taken by your Bank/Savings and Loan to protect the interest of the public when dealing with government agencies as depositors or investors.
18	Please provide your Contract of Deposit of Moneys pre-signed and sealed by your institution, as well as, any signature cards that you may require.
19	Please provide your Wiring Instructions:
20	Please provide your Bank/Savings and Loan most recent certified financial statement. In addition, an audited financial statement must be provided within 120 days of your fiscal year-end

- CERTIFICATION -

I hereby certify that I have personally read the Authority's Investment Policy and the California Government Codes pertaining to the investments and deposits of the Authority, and have implemented reasonable procedures and a system of controls designed to preclude imprudent investment activities arising out of transactions conducted between our firm and the Authority. I understand however, that our firm is not obligated to monitor the percentage limits on the investments as described in the policy. All sales personnel will be routinely informed of the Authority's investment objectives, horizon, outlook, strategies and risk constraints whenever we are so advised. We pledge to exercise due diligence in informing the Authority's Treasurer of all foreseeable risks associated with financial transactions conducted with our firm. I attest to the accuracy of our responses to your questionnaire.

NOTE:		ire is only part of the Author ES NOT guarantee that the applicant with the Authority.	
SIGNED: _		DATE:	_
COUNTER	SIGNED:	DATE:	

Glossary of Investment Terms

- **AGENCIES.** Shorthand market terminology for any obligation issued by a government-sponsored entity (GSE), or a federally related institution. Most obligations of GSEs are not guaranteed by the full faith and credit of the US government. Examples are: **FFCB.** The Federal Farm Credit Bank System provides credit and liquidity in the agricultural industry. FFCB issues discount notes and bonds.
 - **FHLB.** The Federal Home Loan Bank provides credit and liquidity in the housing market. FHLB issues discount notes and bonds.
 - **FHLMC.** Like FHLB, the Federal Home Loan Mortgage Corporation provides credit and liquidity in the housing market. FHLMC, also called "FreddieMac" issues discount notes, bonds and mortgage pass-through securities.
 - **FNMA.** Like FHLB and FreddieMac, the Federal National Mortgage Association was established to provide credit and liquidity in the housing market. FNMA, also known as "FannieMae," issues discount notes, bonds and mortgage pass-through securities.
 - **GNMA.** The Government National Mortgage Association, known as "GinnieMae," issues mortgage pass-through securities, which are guaranteed by the full faith and credit of the US Government.
 - **PEFCO.** The Private Export Funding Corporation assists exporters. Obligations of PEFCO are not guaranteed by the full faith and credit of the US government.
 - **TVA.** The Tennessee Valley Authority provides flood control and power and promotes development in portions of the Tennessee, Ohio, and Mississippi River valleys. TVA currently issues discount notes and bonds.
- **BROKER.** A broker brings buyers and sellers together for a transaction for which the broker receives a commission. A broker does not sell securities from his own position.
- **COLLATERAL.** Securities or cash pledged by a borrower to secure repayment of a loan or repurchase agreement. Also, securities pledged by a financial institution to secure deposits of public monies.
- **CREDIT RISK.** The risk that principal and/or interest on an investment will not be paid in a timely manner due to changes in the condition of the issuer.
- **DEALER.** A dealer acts as a principal in security transactions, selling securities from and buying securities for his own position.
- **DURATION.** The weighted average time to maturity of a bond where the weights are the present values of the future cash flows. Duration measures the price sensitivity of a bond to changes in interest rates. (See <u>modified duration</u>).
- **LIQUIDITY.** The speed and ease with which an asset can be converted to cash.
- **LOCAL AGENCY INVESTMENT FUND (LAIF)**. A voluntary investment fund open to government entities and certain non-profit organizations in California that is managed by the State Treasurer's Office.
- **MARGIN.** The difference between the market value of a security and the loan a broker makes using that security as collateral.

- **MODIFIED DURATION.** The percent change in price for a 100 basis point change in yields. Modified duration is the best single measure of a portfolio's or security's exposure to market risk.
- PRIMARY DEALER. A financial institution (1) that is a trading counterparty with the Federal Reserve in its execution of market operations to carry out U.S. monetary policy, and (2) that participates for statistical reporting purposes in compiling data on activity in the U.S. Government securities market.
- **REPURCHASE AGREEMENT.** Short-term purchases of securities with a simultaneous agreement to sell the securities back at a higher price. From the seller's point of view, the same transaction is a reverse repurchase agreement.
- **SAFEKEEPING.** A service to bank customers whereby securities are held by the bank in the customer's name.
- **TREASURY BILLS.** All securities issued with initial maturities of one year or less are issued as discounted instruments, and are called Treasury bills. The Treasury currently issues three- and six-month T-bills at regular weekly auctions. It also issues "cash management" bills as needed to smooth out cash flows.
- **TREASURY NOTES.** All securities issued with initial maturities of two to ten years are called Treasury notes, and pay interest semi-annually.
- **TREASURY BONDS.** All securities issued with initial maturities greater than ten years are called Treasury bonds. Like Treasury notes, they pay interest semi-annually.

TRES HERMANOS CONSERVATION AUTHORITY
ITEM NO. 5.1

TRES HERMANOS CONSERVATION AUTHORITY STAFF REPORT

AGENDA NO. 5.1

Date: March 16, 2022

To: Chair and Board of Directors

From: Daniel Fox, Executive Director

Subject: Proposed Budget for Fiscal Year 2022-23

Recommendation:

Adopt Resolution No. THCA 2022-06 entitled: "A RESOLUTION OF THE BOARD OF DIRECTORS OF THE TRES HERMANOS CONSERVATION AUTHORITY, ADOPTING A BUDGET FOR FISCAL YEAR 2022-23."

Background/Analysis:

Per the Amended and Restated Tres Hermanos Conservation Authority (Authority) Joint Powers Agreement Section 5.1 Annual Budget, the Board shall adopt an annual budget. The proposed budget for Fiscal Year 2022-23 is \$217,362. The proposed budget requires a contribution of \$62,143 from the City of Chino Hills, a contribution of \$67,037 from the City of Diamond Bar, and a contribution of \$58,763 from the City of Industry. The remainder of the budget is funded utilizing \$32,491 that is unspent from the 2021-22 budget and \$18,663 in anticipated revenue.

A 10% reserve policy was established by the Board at the February 17, 2021, meeting. The proposed budget includes an ending fund balance of \$21,735, which is in compliance with the Authority's fund balance reserve policy. Attached to the staff report is a consolidated proposed budget for the fiscal year.

Respectfully Submitted,

Reviewed By,

Christina Buhagiar
Christina Buhagiar

3/9/2022

Daniel Fox Demiel Fox

3/10/2022

Attachments:

- 1. Resolution No. THCA 2022-06 Budget Fiscal Year 2022-23
- 2. Exhibit A THCA Budget for FY 22-23

RESOLUTION NO. THCA 2022-06

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE TRES HERMANOS CONSERVATION AUTHORITY, ADOPTING A BUDGET FOR FISCAL YEAR 2022-23

WHEREAS, the Executive Director has presented to the Board a proposed budget for Fiscal Year 2022-23;

WHEREAS, the Board of the Authority has conducted a public meeting on March 16, 2022, to consider the Fiscal Year 2022-23 budget; and

WHEREAS, the Board of the Authority has concluded its review and intends to approve and adopt the Fiscal Year 2022-23 budget.

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

Section 1. The Tres Hermanos Conservation Authority Fiscal Year 2022-23 Operating Budget of \$217,362, as prepared and submitted by the Executive Director attached hereto as Exhibit A, as modified by the Board, is hereby approved, adopted and appropriated.

Section 2. At the end of Fiscal Year 2021-22, certain purchase orders exist as outstanding encumbrances representing contractual obligations of previously budgeted funds. In addition, certain amounts have been included in the Fiscal Year 2021-22 budget that related to one-time allocations for specific projects and services but remain unspent. Outstanding encumbrances and unspent one-time allocations may be carried forward to Fiscal Year 2022-23 upon review by the Treasurer and approval of the Executive Director.

Section 3. The Executive Director is authorized to appropriate from reserves for each expenditure line item not exceeding \$15,000 per transaction. The total of appropriations by the Executive Director from reserves may not exceed \$15,000 in a fiscal year until ratified by the Board. Any appropriations from reserves for each expenditure line item exceeding \$15,000 per transaction must be approved by the Board.

Section 4. The Executive Director is authorized to transfer appropriations between accounts without limitation.

Section 5. That the Secretary is instructed to forward a copy of the Resolution and the Fiscal Year 2022-23 Budget to the Auditor/Controller of the County of San Bernardino, in accordance with Section 53901 of the Government Code.

Section 6. The Secretary shall certify as to the adoption of this Resolution.

PASSED, APPROVED, AND ADOPTED this 16th day of March 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 and regularly passed, approved and adopted by the Board of Directors of the Tres Hermanos Conservation Authority, at its regular meeting held on the 16th day of March 2022, by the following Roll Call vote:

AYES: DIRECTORS:

NOES: DIRECTORS:

ABSENT: DIRECTORS:

ABSTAIN: DIRECTORS:

Kristina Santana, Secretary
Tres Hermanos Conservation Authority

TRES HERMANOS CONSERVATION AUTHORITY PROPOSED BUDGET FISCAL YEAR 2022-23

	Proposed Budget for FY 22-23							
	Proposed Budget for FY 22-23		Chino Hills		Diamond Bar			Industry
ESTIMATED BEGINNING FUND BALANCE	\$	32,491	\$	11,335	\$	6,441	\$	14,715
REVENUES								
Rental Income	\$	13,743	\$	4,581	\$	4,581	\$	4,581
Other Revenues	`	4,920		1,640		1,640	·	1,640
Membership Contribution		187,943		62,143		67,037		58,763
TOTAL REVENUES	\$	206,606	\$	68,364	\$	73,258	\$	64,984
EXPENDITURES								
Contractual Services	\$	105,555	\$	35,185	\$	35,185	\$	35,185
Banking	`	180		60		60	·	60
Audit Services		2,040		680		680		680
Legal Services		6,720		2,240		2,240		2,240
Security Services		42,501		14,167		14,167		14,167
Professional Services		30,000		10,000		10,000		10,000
Liability and Insurance		19,800		6,600		6,600		6,600
Office Supplies		201		67		67		67
Utilities		4,920		1,640		1,640		1,640
Permits & Fees		5,445		1,815		1,815		1,815
TOTAL EXPENDITURES	\$	217,362	\$	72,454	\$	72,454	\$	72,454
PROJECTED ENDING FUND BALANCE	\$	21,735	\$	7,245	\$	7,245	\$	7,245

TRES HERMANOS CONSERVATION AUTHORITY
ITEM NO. 5.2

TRES HERMANOS CONSERVATION AUTHORITY STAFF REPORT

AGENDA NO. 5.2

Date: March 16, 2022

To: Chair and Board of Directors

From: Daniel Fox, Executive Director

Subject: Preview of the Tres Hermanos Conservation Authority Website.

Recommendation:

Hear presentation and provide comments as deemed appropriate.

Background/Analysis:

As the Board is aware, staff has been working to create a new and unique website for the Tres Hermanos Conservation Authority. The new website will provide a central location for agendas, documents, and other information related to the Authority. This work effort is nearing completion. At the meeting, Staff will provide an opportunity for the Board to preview the website and provide any initial feedback prior to the website going live.

Respectfully Submitted,

Kristina Santana

Reviewed By,

Daniel Fox