

Chino Hills · Diamond Bar · Industry

TRES HERMANOS CONSERVATION AUTHORITY BOARD OF DIRECTORS REGULAR MEETING

JUNE 8, 2022 AGENDA 6:00 p.m.

CITY OF DIAMOND BAR 21810 COPLEY DR. DIAMOND BAR, CALIFORNIA Chair, Cathy Marcucci Vice-Chair, Nancy Lyons Board Member, Ray Marquez Board Member, Cory Moss Board Member, Peter Rogers Board Member, Newell Ruggles Board Member, 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: 561-941-668.

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 logging onto the meeting through this link: https://attendee.gotowebinar.com/register/6073802710828533516. 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 May 11, 2022 Regular Meeting.

Approve the May 11, 2022 Regular Tres Hermanos Conservation Authority meeting minutes.

3.2 Payment Registers

That the Authority receive and file the payment register for the month ended April 30, 2022.

3.3 Treasurer's Report for the Month Ended April 30, 2022.

That the Authority receive and file the Treasurer's Reports for the month ended April 30, 2022.

3.4 Continued Use of Teleconferencing in Accordance with Assembly Bill 361 or Meetings of the Tres Hermanos Conservation Authority.

Adopt Resolution No. THCA 2022-10 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, July 13, 2022 at 6:00 p.m.



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June 8, 2022 Date:

To: Chair and Board of Directors

From: Daniel Fox, Executive Director

Subject: Minutes of the May 11, 2022 Regular Meeting.

Recommendation:

Approve the May 11, 2022 Regular Tres Hermanos Conservation Authority meeting minutes.

Background/Analysis:

Attached for Board review and approval are the minutes of the May 11, 2022 Tres Hermanos Conservation Authority meeting.

Respectfully Submitted,

Reviewed By,





Attachments:

1. May 11, 2022 Regular Tres Hermanos Conservation Authority Meeting Minutes

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 announced that consistent with State Assembly Bill 361, the Tres Hermanos Conservation Authority was being held telephonically and in person in the Windmill Room, City of Diamond Bar City Hall where Directors and limited staff were physically present for the meeting. Those attending the meeting in person were advised that face coverings were recommended.

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 Chair, Cathy Marcucci

Directors in attendance in person: Director, Steve Tye

Vice-Chair, Nancy Lyons

Staff in attendance in person: Dan Fox, Executive Director; Ben Montgomery, Deputy Executive Director; Joshua Nelson, Administrative Director;

Kristina Santana, Authority Secretary

Staff in attendance telephonically:

Tracy Egoscue, Authority Counsel;

Christa Buhagiar, Treasurer

2. PUBLIC COMMENTS:

None.

3. CONSENT CALENDAR:

3.1 MINUTES OF THE MARCH 16, 2022 REGULAR MEETING AND APRIL 13, 2022 SPECIAL MEETING.

RECOMMENDED ACTION: Approve the March 16, 2022 Regular Meeting and April 13, 2022 Special Tres Hermos Conservation Authority Meeting Minutes.

3.2 PAYMENT REGISTERS.

RECOMMENDED ACTION: Receive and file the Payment Registers for the months ended February 28, 2022 and March 31, 2022.

3.3 TREASURER'S REPORT FOR THE MONTHS ENDED FEBRUARY 28, 2022 AND MARCH 31, 2022.

RECOMMENDED ACTION: Receive and file the Treasurer's Reports for the months ended February 28, 2022 And March 31, 2022.

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 2022-09 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 APPOINTMENT OF CERTIFIED PUBLIC ACCOUNTANTS.

RECOMMENDED ACTION: That the Authority appoint Lance, Soll & Lunghard, LLP, as the Certified Public Accountants to provide Financial Auditing Services for the Fiscal Year 2021-2022 Audit.

MOTION BY VC/LYONS AND SECOND BY DIRECTOR MOSS TO APPROVE THE CONSENT CALENDAR AS PRESENTED WITH VC/LYONS ABSTAINING FROM ITEM 3.1. 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

4. OLD BUSINESS:

There was none.

5. NEW BUSINESS:

5.1 CONSIDERATION OF A LEASE AGREEMENT FOR EQUINE GRAZING BY AND BETWEEN THE TRES HERMANOS CONSERVATION AUTHORITY AND RED BUCKET EQUINE RECUE FOR THAT PORTION OF TRES HERMANOS RANCH GENERALLY LOCATED EAST OF CHINO HILLS PARKWAY AND SOUTH OF CHINO AVENUE (A PORTION OF APN 8701-021-905):

ED/Fox presented the staff report.

Melanie Schlotterbeck, Hills for Everyone, was opposed to the lease agreement.

Discussion ensued regarding the location of the lease area, types of improvements envisioned and appropriateness of the environmental determination.

RECOMMENDED ACTION: That the Board of Directors:

- A. Determine that Approval of 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;
- B. Approve a Lease Agreement with Red Bucket Equine Rescue for that portion of Tres Hermanos Ranch, generally located east of Chino Hills Parkway and south of Chino Avenue (A portion of APN 8701-021-905), in a form approved by Authority General Counsel; and,
- C. Authorize the Executive Director to execute all documents related thereto.

MOTION BY CHAIR/MARCUCCI, SECOND BY DIRECTOR ROGERS TO APPROVE THE LEASE AGREEMENT WITH RED BUCKET EQUINE RESCUE AS RECOMMENDED BY STAFF. 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

6. AUTHORITY STAFF AND AUTHORITY DIRECTOR COMMENTS:

ED/Fox stated that fire training exercises will take place on the property Tuesday, Wednesday and Thursday of next week near the Diamond Ranch High School property. The Tres Hermanos website (treshermanos.org) is live and continues to be updated.

Director Marquez asked if the facilities tour was scheduled to take place and ED/Fox said that staff was working through final details.

Director Moss thanked staff for their diligence.

VC/Lyons looked forward to the facilities tours.

Chair Marcucci was happy to get the Red Bucket lease in place and looked forward to the tours.

7. ADJOURNMENT: There being no further business, Chair Marcucci adjourned the Tres Hermanos Conservation Authority Regular Meeting at 6:25 p.m. to Wednesday, June 8, 2022 at 6:00 p.m.

	CATHY MARCUCCI	
	CHAIR	
KRISTINA SANTANA		
AUTHORITY SECRETARY		



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Date: June 8, 2022

To: Chair and Board of Directors

From: Daniel Fox, Executive Director

Subject: Payment Registers

Recommendation:

That the Authority receive and file the payment register for the month ended April 30, 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 registers for the month ended April 30, 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,



5/26/2022



5/31/2022

Attachments:

1. THCA Payment Register - April 2022

Tres Hermanos Conservation Authority

Payment Register

From 4/1/2022 to 4/30/2022

#	DATE	VENDOR NAME	CONTRACT/ PO#	DESCRIPTION	RETENTION	INVOICE AMT	
5081	4/6/2022	CITY OF CHINO HILLS		CH/STAFF TIME/FEB22		\$2,190.94	
					TOTAL	\$2,190.94	
5082	4/6/2022	KEENAN & ASSOCIATES		EXCESS LIAB INSURANCE MAR22-MAR23		\$2,328.29	
	4/6/2022	KEENAN & ASSOCIATES		PROPERTY INSURANCE MAR22-MAR23		\$12,425.31	
					TOTAL	\$14,753.60	
5083	4/20/2022	EGOSCUE LAW GROUP, INC.	THCA19-004	EGOSCUE/LEGAL/MAR22		\$612.50	
					TOTAL	\$612.50	
5084	4/20/2022	STATE OF CALIFORNIA		DAM FEES FY22-23		\$5,548.00	
					TOTAL	\$5,548.00	
5085	4/27/2022	JANUS PEST MANAGEMENT, INC.	THCA21-001	JANUS/PEST/MAR22		\$65.00	
					TOTAL	\$65.00	
TOTAL		<u>'</u>				\$23,170.04	

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.



Chino Hills · Diamond Bar · Industry

Date: June 8, 2022

To: Chair and Board of Directors

From: Daniel Fox, Executive Director

Subject: Treasurer's Report for the Month Ended April 30, 2022.

Recommendation:

That the Authority receive and file the Treasurer's Reports for the month ended April 30, 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 April 30, 2022.

Respectfully Submitted,

Reviewed By,



5/26/2022



5/31/2022

Attachments:

1. Treasurer's Report - April 2022

Tres Hermanos Conservation Authority Treasurer's Report For the Month Ended April 30, 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	\$ 14,486 201,536	\$	14,486 199,269	0.02% 0.52%	n/a n/a	6.78% 93.22%
Total Investment Portfolio	\$ 216,022	\$	213,755			100.00%

Blended Yield of Cash and Investments	0.49%

Benchmarks:	
LAIF	0.52%
6mo U.S. Treasury	1.41%
2yr U.S. Treasury	2.70%
5yr U.S. Treasury	2.92%

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 April 30, 2022

		Revised Budget 2021/22		April 2022		scal Year To Date 2021/22	% of Budget Used	
Revenues:								
Interest Income	\$	_	\$	180	\$	412	_	
Fair Market Value Adjustment	·	_	•	-	,	(11)	-	
Rental Income		11,700		3,041		9,116 [′]	78%	
Reimbursements		4,000		228		522	13%	
Contributions from Member Agencies		241,755		-		241,755	100%	
Total Revenues		257,455		3,449		251,794	98%	
Expenditures: Contractual Services		187,640		43,215		95,018	51%	
Bank Charges		180		43,213		15	8%	
Audit Services		2,855		_		2,000	70%	
Legal Services		6,900		612		4,287	62%	
Security Services		45,270		-		25,937	57%	
Professional Services		30,000		_		8,793	29%	
Liability Insurance		18,760		_		16,408	87%	
Office Supplies		5,400		_		1,194	22%	
Water		4,000		236		3,406	85%	
Permits & Fees		7,864		5,548		6,034	77%	
1 citillo d 1 ccs		7,004		0,040		0,004	1170	
Total Expenditures		308,869		49,611		163,092	53%	
Excess of Revenues Over/(Under) Expenditures	\$	(51,414)	\$	(46,162)	\$	88,702		
Fund Balances:								
Beginning of Fiscal Year					\$	83,905		
Excess of Revenues Over/(Under) Expenditure	es					88,702		
As of April 30, 2022					\$	172,607 A		
Fund Balances by City: Chino Hills Diamond Bar Industry					\$	58,040 53,146 61,421		
Total Fund Balances by City					\$	172,607		

A The ending fund balance in the amount of \$172,607 differs from the bank balance of \$216,022. The (\$43,415) difference is the net of (\$65) outstanding check; (\$43,385) in accounts payable and \$35 in accounts receivable on the tenant's account.



Chino Hills · Diamond Bar · Industry

Date: June 8, 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 2022-10 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/Analysis:

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 5/13/2022 Daniel Fox Otty Manager

5/31/2022

Attachments:

1. THCA Resolution No. 2022-10 AB 361

RESOLUTION NO. THCA 2022-10

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, 2022-03, 2022-04, 2022-07, and 2022-09 reaffirming 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.
- **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.
- <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 8th day of June, 2022.

Cathy Marcucci, Chair	
Tres Hermanos Conservation Authority	y

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 8th day of June, 2022, by the following vote:

AYES: DIRECTORS:

NOES: DIRECTORS:

ABSENT: DIRECTORS:

ABSTAIN: DIRECTORS:

Kristina Santana
Secretary
Tres Hermanos Conservation Authority