



Chino Hills · Diamond Bar · Industry

TRES HERMANOS CONSERVATION AUTHORITY BOARD OF DIRECTORS MEETING

AUGUST 10, 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 (562) 247-8422 and entering the Access Code: 953-919-216.

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/765974100803861515>. 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 July 13, 2022 Regular Meeting.

Approve the July 13, 2022 Regular Tres Hermanos Conservation Authority meeting minutes.

- 3.2 Payment Register.

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

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

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

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

Adopt Resolution No. THCA 2022-13 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, September 14, 2022 at 6:00 p.m.

TRES HERMANOS CONSERVATION AUTHORITY

ITEM NO. 3.1



Chino Hills · Diamond Bar · Industry

Date: August 10, 2022
To: Chair and Board of Directors
From: Daniel Fox, Executive Director
Subject: Minutes of the July 13, 2022 Regular Meeting.

Recommendation:

Approve the July 13, 2022 Regular Tres Hermanos Conservation Authority meeting minutes.

Background/Discussion:

Attached for Board review and approval are the minutes of the July 13, 2022 Tres Hermanos Conservation Authority meetings.

Respectfully Submitted,

Reviewed By,

Kristina Santana

Kristina Santana, City Clerk

8/2/2022

Daniel Fox

Daniel Fox, City Manager

8/2/2022

Attachments:

1. July 13, 2022 Regular Tres Hermanos Conservation Authority Meeting Minutes

TRES HERMANOS CONSERVATION AUTHORITY
 REGULAR BOARD OF DIRECTORS MEETING MINUTES
 DIAMOND BAR, CALIFORNIA
 JULY 13, 2022
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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 in person and via teleconference, and members of the public were invited to participate telephonically or by phone.

PLEDGE OF ALLEGIANCE: The Pledge of Allegiance was led by Chair Marcucci.

ROLL CALL:

Directors present: Director, Ray Marquez
 Director, Steve Tye
 Vice-Chair, Nancy Lyons

Directors in attendance telephonically: Director, Cory Moss
 Chair, Cathy Marcucci

Absent: Director, Peter Rogers
 Director, Newell Ruggles

Staff present: Dan Fox, Executive Director; Ben Montgomery, Deputy Executive Director; Joshua Nelson, Administrative Director
 Joan Cruz, Administrative Coordinator; Robin Crawford, Administrative Coordinator.

Staff in attendance telephonically: Tracy Egoscue, Authority Counsel;
 Christina Buhagiar, Treasurer.

2. PUBLIC COMMENTS: None

3. CONSENT CALENDAR:

3.1 MINUTES OF THE JUNE 8, 2022 REGULAR AND JULY 6, 2022 SPECIAL TRES HERMANOS CONSERVATION AUTHORITY MEETING MINUTES.

TRES HERMANOS CONSERVATION AUTHORITY
 REGULAR BOARD OF DIRECTORS MEETING MINUTES
 DIAMOND BAR, CALIFORNIA
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RECOMMENDED ACTION: APPROVE THE JUNE 8, 2022 REGULAR AND JULY 6, 2022 SPECIAL TRES HERMANOS CONSERVATION AUTHORITY MEETING MINUTES.

3.2 PAYMENT REGISTERS.

RECOMMENDED ACTION: RECEIVE AND FILE THE PAYMENT REGISTER FOR THE MONTH ENDED MAY 31, 2022.

3.3 TREASURER'S REPORT FOR THE MONTH ENDED MAY 31, 2022.

RECOMMENDED ACTION: RECEIVE AND FILE THE TREASURER'S REPORT FOR THE MONTH ENDED MAY 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 2022-12 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.

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

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

4. OLD BUSINESS: None

5. NEW BUSINESS:

5.1 REPORT ON ARNOLD RESERVOIR ANNUAL DAM INSPECTION.

Joshua Nelson, Administrative Director, presented the report.

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6. AUTHORITY STAFF AND AUTHORITY DIRECTOR COMMENTS:

Director Marquez asked for a status of Tres Hermanos property tours. ED/Fox responded that there is a tour scheduled for tomorrow, July 14th and weekly/bi-weekly tours for Planning Commissioners and Parks and Recreation Commissioners from respective cities together with staff members.

VC/Lyons said she toured the property along with another Council Member from Diamond Bar and both enjoyed the experience.

- 7. ADJOURNMENT:** There being no further business, Chair Marcucci adjourned the Tres Hermanos Conservation Authority Regular Meeting at 6:22 p.m. to Wednesday, August 10, 2022 at 6:00 p.m.

CATHY MARCUCCI
CHAIR

KRISTINA SANTANA
AUTHORITY SECRETARY

TRES HERMANOS CONSERVATION AUTHORITY

ITEM NO. 3.2



Chino Hills · Diamond Bar · Industry

Date: August 10, 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 June 30, 2022.

Background/Discussion:

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 June 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,

Christina Buhagiar

Christina Buhagiar, Treasurer 8/1/2022

Daniel Fox

Daniel Fox, City Manager 8/2/2022

Attachments:

1. THCA Payment Register - June 2022

Tres Hermanos Conservation Authority

Payment Register

From 6/1/2022 to 6/30/2022

#	DATE	VENDOR NAME	CONTRACT/ PO#	DESCRIPTION	RETENTION	INVOICE AMT
5094	6/1/2022	C & C ENGINEERING, INC.	THCA20-002	CNC/SITE INSPECT/APR22		\$2,575.00
TOTAL						\$2,575.00
5095	6/1/2022	CITY OF CHINO HILLS		CH/WATER 4/14/22-5/12/22		\$266.64
TOTAL						\$266.64
5096	6/1/2022	INDUSTRY SECURITY SERVICES, INC		INDUSTRY/SECURITY SVCS/APR22		\$3,321.92
TOTAL						\$3,321.92
5097	6/1/2022	JANUS PEST MANAGEMENT, INC.	THCA21-001	JANUS/PEST/APR22		\$65.00
TOTAL						\$65.00
5098	6/15/2022	EGOSCUE LAW GROUP, INC.	THCA19-004	EGOSCUE/LEGAL/MAY22		\$350.00
TOTAL						\$350.00
5099	6/15/2022	JANUS PEST MANAGEMENT, INC.	THCA21-001	JANUS/PEST/MAY22		\$190.00
TOTAL						\$190.00
5100	6/22/2022	CITY OF CHINO HILLS		CH/STAFF TIME/APR22		\$292.13
TOTAL						\$292.13
5101	6/29/2022	C & C ENGINEERING, INC.	THCA20-002	CNC/SITE INSPECT/MAY22		\$6,450.00
TOTAL						\$6,450.00
20003	6/9/2022	CITIZENS BUSINESS BANK (THCA CREDIT CARD)		POSTAGE FOR CERTIFIED LETTERS		\$14.76
TOTAL						\$14.76
TOTAL						\$13,525.45

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

TRES HERMANOS CONSERVATION AUTHORITY

ITEM NO. 3.3



Chino Hills · Diamond Bar · Industry

Date: August 10, 2022
To: Chair and Board of Directors
From: Daniel Fox, Executive Director
Subject: Treasurer's Report for the Month Ended June 30, 2022.

Recommendation:

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

Background/Discussion:

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 June 30, 2022.

Respectfully Submitted,

Reviewed By,

Christina Buhagiar

Christina Buhagiar, Treasurer

8/1/2022

Daniel Fox

Daniel Fox, City Manager

8/2/2022

Attachments:

1. Treasurer's Report - June 2022

Tres Hermanos Conservation Authority
Treasurer's Report
For the Month Ended June 30, 2022

Description	Cost Value	Market Value	Interest/ Book Yield	Maturity Date	% of Portfolio
Cash and Cash Equivalents					
Citizens Business Bank - Premium Money Market LAIF Account	\$ 9,844	\$ 9,844	0.02%	n/a	6.17%
	151,536	149,585	0.86%	n/a	93.83%
Total Investment Portfolio	\$ 161,380	\$ 159,429			100.00%

Blended Yield of Cash and Investments 0.81%

Benchmarks:	
LAIF	0.86%
6mo U.S. Treasury	2.51%
2yr U.S. Treasury	2.92%
5yr U.S. Treasury	3.01%

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 June 30, 2022

	<u>Revised Budget 2021/22</u>	<u>June 2022</u>	<u>Fiscal Year To Date 2021/22</u>	<u>% of Budget Used</u>
Revenues:				
Interest Income	\$ -	\$ -	\$ 413	-
Fair Market Value Adjustment	-	-	(11)	-
Rental Income	11,700	945	10,886	93%
Reimbursements	4,000	586	1,343	34%
Contributions from Member Agencies	241,755	-	241,755	100%
Total Revenues	<u>257,455</u>	<u>1,531</u>	<u>254,386</u>	<u>99%</u>
Expenditures:				
Contractual Services	187,640	6,640	104,298	56%
Bank Charges	180	-	22	12%
Audit Services	2,855	-	2,000	70%
Legal Services	6,900	350	6,013	87%
Security Services	45,270	-	32,700	72%
Professional Services	30,000	292	10,078	34%
Liability Insurance	18,760	-	16,408	87%
Office Supplies	5,400	15	1,376	25%
Water	4,000	-	3,673	92%
Permits & Fees	7,864	-	6,109	78%
Total Expenditures	<u>308,869</u>	<u>7,297</u>	<u>182,677</u>	<u>59%</u>
Excess of Revenues Over/(Under) Expenditures	<u>\$ (51,414)</u>	<u>\$ (5,766)</u>	<u>\$ 71,709</u>	
Fund Balances:				
Beginning of Fiscal Year			\$ 83,905	
Excess of Revenues Over/(Under) Expenditures			71,709	
As of June 30, 2022			<u>\$ 155,614</u>	A
Fund Balances by City:				
Chino Hills			\$ 52,376	
Diamond Bar			47,482	
Industry			55,756	
Total Fund Balances by City			<u>\$ 155,614</u>	

A The ending fund balance in the amount of \$155,614 differs from the bank balance of \$161,380. The (\$5,766) difference is the net of (\$6,450) in outstanding checks and \$684 in accounts receivable on the tenant's account.

TRES HERMANOS CONSERVATION AUTHORITY

ITEM NO. 3.4



Chino Hills · Diamond Bar · Industry

Date: August 10, 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 2022-13 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

7/26/2022

Daniel Fox

Daniel Fox, City Manager

8/2/2022

Attachments:

1. Resolution No. THCA 2022-13 AB 361

RESOLUTION NO. THCA 2022-13

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, 2022-09, 2022-10, 2022-11 and 2022-12 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 10th day of August, 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 10th day of August, 2022, by the following vote:

AYES: DIRECTORS:

NOES: DIRECTORS:

ABSENT: DIRECTORS:

ABSTAIN: DIRECTORS:

Kristina Santana
Secretary
Tres Hermanos Conservation Authority