



Chino Hills · Diamond Bar · Industry

**SPECIAL MEETING
BOARD OF DIRECTORS MEETING**

**AUGUST 31, 2022 AGENDA
9:00 a.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) 930-5321 and entering the Access Code: 926-481-216.

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 8:00 a.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/8618158381303809808>. 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 only matters on the agenda. Although we value your comments, pursuant to the Brown Act, members of the Authority or Staff may briefly respond to public comments if necessary, but no extended discussion and no action on such matters may take place. Comments are limited to five minutes per Speaker.

3. CONSENT CALENDAR:

- 3.1 Minutes of the August 10, 2022 Regular Meeting.

Approve the August 10, 2022 Regular Tres Hermanos Conservation Authority meeting minutes.

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

Adopt Resolution No. THCA 2022-14 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 31, 2022
To: Chair and Board of Directors
From: Daniel Fox, Executive Director
Subject: Minutes of the August 10, 2022 Regular Meeting.

Recommendation:

Approve the August 10, 2022 Regular Tres Hermanos Conservation Authority meeting minutes.

Background/Discussion:

Attached for Board review and approval are the minutes of the August 10, 2022 Tres Hermanos Conservation Authority meetings.

Respectfully Submitted,

Reviewed By,

Kristina Santana

Kristina Santana, City Clerk

8/23/2022

Daniel Fox

Daniel Fox, City Manager

8/25/2022

Attachments:

1. August 10, 2022 Regular Tres Hermanos Conservation Authority Meeting Minutes

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 REGULAR BOARD OF DIRECTORS MEETING MINUTES
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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. in the Windmill Room, City of Diamond Bar City Hall.

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

Staff present: Dan Fox, Executive Director; Ben Montgomery, Deputy Executive Director; Josh Nelson, Administrative Director; Kristina Santana, Authority Secretary

Staff in attendance telephonically: Tracy Egoscue, Authority Counsel; Christa Buhagiar, Treasurer; Sam Pedroza, City of Industry Assistant City Manager/Public Affairs Manager

2. PUBLIC COMMENTS:

Jim Gallagher asked for an update on the Red Bucket project and whether other stakeholders might be afforded the opportunity to tour the Tres Hermanos property.

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3. CONSENT CALENDAR:

3.1 MINUTES OF THE JULY 13, 2022 REGULAR TRES HERMANOS CONSERVATION AUTHORITY MEETING MINUTES.

RECOMMENDED ACTION: APPROVE THE JULY 13, 2022 TRES HERMOS CONSERVATION AUTHORITY MEETING MINUTES.

3.2 PAYMENT REGISTERS.

RECOMMENDED ACTION: RECEIVE AND FILE THE PAYMENT REGISTER FOR THE MONTH ENDED JUNE 30, 2022.

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

RECOMMENDED ACTION: 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.

RECOMMENDED ACTION: 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.

MOTION BY DIRECTOR MARQUEZ AND SECOND BY DIRECTOR MOSS TO APPROVE THE CONSENT CALENDAR AS PRESENTED. MOTION CARRIED 7-0 BY THE FOLLOWING VOTE WITH DIRECTOR ROGERS ABSTAINING ON ITEM 3.1.

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

4. OLD BUSINESS: There was none.

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5. **NEW BUSINESS:** There was none.

6. **AUTHORITY STAFF AND AUTHORITY DIRECTOR COMMENTS:**

CM/Fox announced that a special meeting would be scheduled to reconfirm the AB 361 teleconferencing options for meetings as well as, potential rescheduling of the September 14th meeting.

Chair Marcucci thanked everyone for showing up to these short meetings.

7. **ADJOURNMENT:** There being no further business, Chair Marcucci adjourned the Tres Hermanos Conservation Authority Regular Meeting at 6:22 p.m. to a date to be announced.

CATHY MARCUCCI
CHAIR

KRISTINA SANTANA
AUTHORITY SECRETARY

TRES HERMANOS CONSERVATION AUTHORITY

ITEM NO. 3.2



Chino Hills · Diamond Bar · Industry

Date: August 31, 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 2022-14 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

8/23/2022

Daniel Fox

Daniel Fox, City Manager

8/25/2022

Attachments:

1. Resolution No. THCA 2022-14 AB 361 Cont

RESOLUTION NO. THCA 2022-14

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

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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, 2022-12 and 2022-13 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

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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 31st 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 Special meeting held on the 31st day of August, 2022, by the following vote:

AYES: DIRECTORS:

NOES: DIRECTORS:

ABSENT: DIRECTORS:

ABSTAIN: DIRECTORS:

Kristina Santana
Secretary
Tres Hermanos Conservation Authority