



Chino Hills • Diamond Bar • Industry

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

**NOVEMBER 9, 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: 768-734-654.

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/8073436133178334479>. 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 October 12, 2022 Regular Meeting.

Recommendation:

Approve the October 12, 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 September 30, 2022.

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

Recommendation:

That the Authority receive and file the Treasurer's Reports for the month ended September 30, 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 2022-18 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 Conflict of Interest Code Adoption.

Recommendation:

Adopt Resolution NO. THCA 2022-19 entitled: A RESOLUTION OF THE BOARD OF DIRECTORS OF THE TRES HERMANOS CONSERVATION AUTHORITY ADOPTING THE 2022 CONFLICT OF INTEREST CODE IN ACCORDANCE WITH THE POLITICAL REFORM ACT.

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, December 14, 2022 at 6:00 p.m.

TRES HERMANOS CONSERVATION AUTHORITY

ITEM NO. 3.1



Chino Hills • Diamond Bar • Industry

Date: November 9, 2022
To: Chair and Board of Directors
From: Daniel Fox, Executive Director
Subject: Minutes of the October 12, 2022 Regular Meeting.

Recommendation:

Approve the October 12, 2022 Regular Tres Hermanos Conservation Authority meeting minutes.

Background/Discussion:

Attached for Board review and approval are the minutes of the October 12, 2022 Tres Hermanos Conservation Authority meeting.

Respectfully Submitted,

Reviewed By,

Kristina Santana

Kristina Santana, City Clerk

11/1/2022

Daniel Fox

Daniel Fox, City Manager

11/2/2022

Attachments:

1. October 12, 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 meeting was being held in person and via teleconference, with limited staff present. Members of the public were invited to participate telephonically or in person and for those wishing to attend the meeting in person, face coverings were recommended.

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

ROLL CALL:

Directors in attendance in person: Ray Marquez, Director
Steve Tye, Director
Nancy Lyons, Vice Chair

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

Absent: Newell Ruggles, Director

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

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

2. **PUBLIC COMMENTS:** There were none.

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3. CONSENT CALENDAR:

3.1 MINUTES OF THE SEPTEMBER 14, 2022 REGULAR TRES HERMANOS CONSERVATION AUTHORITY MEETING MINUTES.

RECOMMENDED ACTION: APPROVE THE SEPTEMBER 14, 2022 TRES HERMANOS CONSERVATION AUTHORITY MEETING MINUTES.

3.2 PAYMENT REGISTER.

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

3.3 TREASURER’S REPORT FOR THE MONTH ENDED AUGUST 31, 2022.

RECOMMENDED ACTION: THAT THE AUTHORITY RECEIVE AND FILE THE TREASURER’S REPORT FOR THE MONTH ENDED AUGUST 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 2022-16 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 VC/LYONS AND SECOND BY DIRECTOR MOSS TO APPROVE THE CONSENT CALENDAR AS PRESENTED WITH VC/LYONS AND DIRECTOR/TYE ABSTAINING FROM ITEM 3.1. MOTION CARRIED 6-0 BY THE FOLLOWING VOTE.

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

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4. **OLD BUSINESS:** There was none.

5. **NEW BUSINESS:**

5.1 **CONSIDERATION TO ADJUST RESIDENTIAL RENTAL RATE EFFECTIVE JANUARY 1, 2023.**

RECOMMENDED ACTION: THAT THE AUTHORITY APPROVE AN INCREASE IN THE MONTHLY RESIDENTIAL RENTAL RATE FROM \$675 TO \$742.50 EFFECTIVE JANUARY 1, 2023.

ED/Fox presented the staff report and responded to Authority Member questions.

There were no public comments offered.

VC/LYONS MOVED, DIRECTOR ROGERS SECONDED, TO APPROVE AN INCREASE IN THE MONTHLY RESIDENTIAL RENTAL RATE FROM \$675 TO \$742.50 EFFECTIVE JANUARY 1, 2023. MOTION CARRIED BY THE FOLLOWING ROLL CALL VOTE:

AYES: DIRECTORS: MARQUEZ, MOSS, ROGERS, TYE,
VC/LYONS, CHAIR/MARCUCCI
NOES: DIRECTORS: NONE
ABSENT: DIRECTORS: RUGGLES

5.2 **CALIFORNIA NATURAL RESOURCES AGENCY GRANT APPLICATION.**

RECOMMENDED ACTION:

A) *ADOPT RESOLUTION NO. THCA 2022-17 ENTITLED: A RESOLUTION OF THE BOARD OF DIRECTORS OF THE TRES HERMANOS CONSERVATION AUTHORITY APPROVING THE ACCEPTANCE OF GENERAL FUND GRANT FUNDS FOR WEED ABATEMENT AND VEGETATION MANAGEMENT ACTIVIES;*

B) *DETERMINE THAT THE ANNUAL WEED ABATEMENT ACTIVITIES ARE EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT PURSUANT TO SECTION 15304(I) (CLASS 4) OF THE CEQA GUIDELINES, AND DIRECT STAFF TO FILE A NOTICE OF EXEMPTION WITH THE COUNTY OF LOS ANGELES CLERK*

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AND THE COUNTY OF SAN BERNARDINO CLERK OF THE BOARD; AND,

- C) AUTHORIZE THE EXECUTIVE DIRECTOR TO EXECUTE ALL DOCUMENTS RELATED THERETO.

ED/Fox presented the staff report.

There were no public comments offered.

DIRECTOR TYE MOVED, DIRECTOR MARQUEZ SECONDED, TO ADOPT RESOLUTION NO. THCA 2022-17 ENTITLED: A RESOLUTION OF THE BOARD OF DIRECTORS OF THE TRES HERMANOS CONSERVATION AUTHORITY APPROVING THE ACCEPTANCE OF GENERAL FUND GRANT FUNDS FOR WEED ABATEMENT AND VEGETATION MANAGEMENT ACTIVIES; DETERMINED THAT THE ANNUAL WEED ABATEMENT ACTIVITIES ARE EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT PURSUANT TO SECTION 15304(I) (CLASS 4) OF THE CEQA GUIDELINES, AND DIRECTED STAFF TO FILE A NOTICE OF EXEMPTION WITH THE COUNTY OF LOS ANGELES CLERK AND THE COUNTY OF SAN BERNARDINO CLERK OF THE BOARD; AND, AUTHORIZED THE EXECUTIVE DIRECTOR TO EXECUTE ALL DOCUMENTS RELATED THERETO. MOTION CARRIED 6-0 BY THE FOLLOWING ROLL CALL VOTE:

AYES: DIRECTORS: MARQUEZ, MOSS, ROGERS, TYE,
VC/LYONS, CHAIR/MARCUCCI
NOES: DIRECTORS: NONE
ABSENT: DIRECTORS: RUGGLES

6. AUTHORITY STAFF AND AUTHORITY DIRECTOR COMMENTS:

Director Marquez said he was proud to be part of this group of people who accomplished this task and asked for a status of who has visited the property. DED/Montgomery responded that the majority of Chino Hills and Diamond Bar Commission Members have either attended or been afforded the opportunity to do so, and that everyone who has visited the property has been very pleased with the condition of the property, the diversity of the elevation and history of the property.

Director Moss thanked Senator Newman for securing the grant.

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VC/Lyons suggested the Authority formalize the “thank-you” by sending a letter to Senator Newman signed by Chair/Marcucci on behalf of the Authority.

7. **ADJOURNMENT:** There being no further business, Chair Marcucci adjourned the Tres Hermanos Conservation Authority Regular Meeting at 6:19 p.m. to the Regular Meeting of November 9, 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: November 9, 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 September 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 September 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

10/28/2022

Daniel Fox

Daniel Fox, City Manager

11/2/2022

Attachments:

1. THCA Payment Register - September 2022

Tres Hermanos Conservation Authority

Payment Register

From 9/1/2022 to 9/30/2022

#	DATE	VENDOR NAME	CONTRACT/ PO#	DESCRIPTION	RETENTION	INVOICE AMT
5117	9/7/2022	CITY OF CHINO HILLS		CH/WATER 7/18/22-8/16/22		\$396.66
					TOTAL	\$396.66
5118	9/7/2022	CITY OF INDUSTRY	THCA21-005	LACNTY/PEST-WEEDABT/JUN22		\$28,588.58
					TOTAL	\$28,588.58
5119	9/7/2022	INDUSTRY SECURITY SERVICES, INC.		INDSTY/SECURITY SRVCS/JUL22		\$3,741.02
					TOTAL	\$3,741.02
5120	9/7/2022	SO CAL SANITATION, LLC		SOCAL IND/RESTROOM RENT/JULY22		\$103.00
	9/7/2022	SO CAL SANITATION, LLC		SOCAL IND/RESTROOM RENT/AUG22		\$103.00
					TOTAL	\$206.00
5121	9/14/2022	C & C ENGINEERING, INC.	THCA20-002	CNC/SITE INSPECT/JUL22		\$5,227.50
					TOTAL	\$5,227.50
5122	9/14/2022	EGOSCUE LAW GROUP, INC.	THCA19-004	EGOSCUE/LLEGAL/AUG22		\$350.00
					TOTAL	\$350.00
5123	9/14/2022	JANUS PEST MANAGEMENT, INC.	THCA21-001	JANUS/PEST/JUL22		\$75.00
					TOTAL	\$75.00
5124	9/21/2022	CITY OF INDUSTRY	THCA21-005	LACNTY/PEST-WEEDABT/JUL22		\$8,937.17
					TOTAL	\$8,937.17
5125	9/21/2022	INDUSTRY SECURITY SERVICES, INC.		INDSTY/SECURITY SRVCS/AUG22		\$3,741.00
					TOTAL	\$3,741.00
5126	9/21/2022	JANUS PEST MANAGEMENT, INC.	THCA21-001	JANUS/PEST/AUG22		\$210.00
					TOTAL	\$210.00
5127	9/21/2022	SO CAL SANITATION, LLC		SOCAL IND/RESTROOM RENT/SEP22		\$103.00
					TOTAL	\$103.00
20004	9/9/2022	CITIZENS BUSINESS BANK (THCA CREDIT CARD)		POSTAGE		\$60.00
					TOTAL	\$60.00
TOTAL						\$51,635.93

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: November 9, 2022
To: Chair and Board of Directors
From: Daniel Fox, Executive Director
Subject: Treasurer's Report for the Month Ended September 30, 2022.

Recommendation:

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

Respectfully Submitted,

Reviewed By,

Christina Buhagiar

Christina Buhagiar, Treasurer

10/28/2022

Daniel Fox

Daniel Fox, City Manager

11/2/2022

Attachments:

1. Treasurer's Report - September 2022

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

Description	Cost Value	Market Value	Interest/ Book Yield	Maturity Date	% of Portfolio
Cash and Cash Equivalents					
Citizens Business Bank - Premium Money Market	\$ 62,979	\$ 62,979	0.02%	n/a	29.72%
LAIF Account	151,861	148,939	1.51%	n/a	70.28%
Total Investment Portfolio	\$ 214,840	\$ 211,918			100.00%

Blended Yield of Cash and Investments 1.07%

Benchmarks:	
LAIF	1.51%
6mo U.S. Treasury	3.92%
2yr U.S. Treasury	4.22%
5yr U.S. Treasury	4.06%

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 September 30, 2022**

	Budget 2022/23	September 2022	Fiscal Year To Date 2022/23	% of Budget Used
Revenues:				
Interest Income	\$ -	\$ 1	\$ 2	-
Fair Market Value Adjustment	-	-	1,951	-
Rental Income	13,743	840	3,855	28%
Reimbursements	4,920	40	40	1%
Contributions from Member Agencies	187,943	-	187,943	100%
Total Revenues	206,606	881	193,791	94%
Expenditures:				
Contractual Services	113,973	14,553	14,759	13%
Bank Charges	180	26	41	23%
Audit Services	2,040	-	-	0%
Legal Services	6,720	350	1,312	20%
Security Services	42,501	7,482	7,482	18%
Professional Services	27,397	459	459	2%
Liability Insurance	19,800	-	1,737	9%
Office Supplies	201	60	60	30%
Water	4,920	397	805	16%
Permits & Fees	5,445	-	-	0%
Total Expenditures	223,177	23,327	26,655	12%
Excess of Revenues Over/(Under) Expenditures	\$ (16,571)	\$ (22,446)	\$ 167,136	
Fund Balances:				
Estimated Beginning of Fiscal Year *			\$ 38,307	
Excess of Revenues Over/(Under) Expenditures			167,136	
Estimated as of September 30, 2022			\$ 205,443	A.
Estimated Fund Balances by City:				
Chino Hills			\$ 68,481	
Diamond Bar			68,481	
Industry			68,481	
Estimated Total Fund Balances by City			\$ 205,443	

A The ending fund balance in the amount of \$205,443 differs from the bank balance of \$214,840. The (\$9,397) difference is the net of (\$8,937) in outstanding checks; (\$459) in accounts payable; and (\$1) in accounts receivable from the tenants.

* The Estimated Fund Balance at 7/1/22 is from the FY 22/23 Adopted Budget. This will be updated once we have the audited fund balance at 6/30/22.

TRES HERMANOS CONSERVATION AUTHORITY

ITEM NO. 3.4

AGENDA NO. 3.4

Chino Hills • Diamond Bar • Industry

Date: November 9, 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 2022-18 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 10/28/2022

Daniel Fox

Daniel Fox, City Manager 11/2/2022

Attachments:

1. Resolution No. THCA 2022-18 AB 361

RESOLUTION NO. THCA 2022-18

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, 2022-12, 2022-13, 2022-14, 2022-15 and 2022-16 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 9th day of November, 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 9th day of November, 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



Chino Hills • Diamond Bar • Industry

Date: November 9, 2022
To: Chair and Board of Directors
From: Daniel Fox, Executive Director
Subject: Conflict of Interest Code Adoption.

Recommendation:

Adopt Resolution NO. THCA 2022-19 entitled: A RESOLUTION OF THE BOARD OF DIRECTORS OF THE TRES HERMANOS CONSERVATION AUTHORITY ADOPTING THE 2022 CONFLICT OF INTEREST CODE IN ACCORDANCE WITH THE POLITICAL REFORM ACT.

Background/Analysis:

Chapter 7, Article 3 of the Political Reform Act (Act) requires every agency to adopt and promulgate a Conflict of Interest Code and Section 87303 of the Act sets forth the process for approval of the Conflict of Interest Code by the Code Reviewing Body. Every agency shall amend its Conflict of Interest Code, subject to the provisions of Section 87303, when change is necessitated by changed circumstances, including the creation of new positions. The FPPC is the Code Reviewing Body for multi-county agencies.

The Code Revision packet was forwarded to the FPPC on April 8, 2021, for their initial review and was presented to the Authority on April 21, 2021, for additional review. The Public Comment Period commenced on March 22, 2022, and closed on May 5, 2022. All affected filers were notified via email and no comments were received. The FPPC made additional revisions to the Code and the revisions were reviewed and approved by the Authority on September 14, 2022. Following that meeting, the FPPC submitted the Code for final approval and notified the THCA Filing Officer of its adoption on October 12, 2022. Staff is recommending the adoption of a resolution to adopt the final THCA Conflict of Interest Code as approved by the FPPC.

Fiscal Impact:

There is no fiscal impact with this item.

Respectfully Submitted,

Reviewed By,

Cheryl Balz

Cheryl Balz, Filing Officer

10/28/2022

Daniel Fox

Daniel Fox, City Manager

11/2/2022

Attachments:

- 1. Attachment 1 - Resolution No. THCA 2022-19 Conflict of Interest 2022
- 2. Attachment 2 - Exhibits A-C

RESOLUTION NO. THCA 2022-19

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE TRES HERMANOS CONSERVATION AUTHORITY ADOPTING THE 2022 CONFLICT OF INTEREST CODE IN ACCORDANCE WITH THE POLITICAL REFORM ACT.

WHEREAS, the City of Industry, City of Chino Hills, and City of Diamond Bar entered into the Amended and Restated Tres Hermanos Conservation Authority Joint Powers Agreement ("Agreement") on February 5, 2019; and

WHEREAS, Section 3.15 entitled "Political Reform Act" of the Agreement, states the Board of Directors, shall adopt a Conflict of Interest Code; and,

WHEREAS, the Board of Directors, in accordance with the Political Reform Act, shall conduct a review of the Conflict of Interest Code biennially.

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

Section 1. The Board of Directors finds and declares as follows:

- A. The Political Reform Act ("PRA"; Gov't. Code §§ 81000, *et seq.*) and regulations adopted pursuant to the PRA (Fair Political Practices Commission (FPPC) Regs.; 2 Cal. Code of Regs. §§ 18700, *et seq.*) requires local governments to adopt conflict of interest codes.
- B. Section 18730 of the FPPC Regs. sets forth a standard conflict of interest code that may be adopted by local agencies.
- C. To fulfill its obligations under the PRA and FPPC Regs., the Board of Directors will adopt a new Conflict of Interest Code as set forth below.

Section 2. Pursuant to FPPC Regs. § 18730, the Board of Directors of the Tres Hermanos Conservation Authority adopts a Conflict of Interest Code to read as follows:

CONFLICT OF INTEREST CODE FOR THE TRES HERMANOS CONSERVATION AUTHORITY

- A. Incorporation of Standard Code.

Under the terms of the Political Reform Act (Gov't Code §§ 81000 *et seq.*) and regulations promulgated by the FPPC (2 Cal. Code of Regs. §§ 18700, *et seq.*), the Board of Directors is required to adopt a Conflict of Interest Code. The Board of Directors of the Tres Hermanos Conservation Authority incorporates by reference 2 Cal. Code of Regs. § 18730, and its amendments, into this Conflict of Interest Code including, without limitation, the designation of officials and

employees and the disclosure categories set forth below (collectively, "the Conflict of Interest Code").

B. Filing of Statements

The Directors, and their alternates, shall be considered public officials within the meaning of the Political Reform Act of 1974, as amended, and its regulations, for the purposes of financial disclosure, conflict of interest and other requirements of such Act and regulations and shall file annual statements of economic interest as required, along with any other officers of the Authority who may be required to do so with the assigned Filing Officer. After receiving Statements of Economic Interests from Board Members, Filing Officer, must maintain the original record for the Authority files. Other persons working for or on behalf of the Authority may be required to file such statements in accordance with the Authority's conflict of interest code.

Under Government Code § 82011(a), the FPPC is the code reviewing body with respect to the Conflict of Interest Code.

C. Review Procedure

Under Government Code § 87306.5, not later than July 1 of each even numbered year, the Board of Directors must direct the Filing Officer, to review the Conflict of Interest Code. The Filing Officer must submit an amended Conflict of Interest Code to the FPPC if a change in the Conflict of Interest Code is necessitated by changed circumstance. If changes are not required, the Filing Officer must submit a written statement to that effect to the FPPC not later than October 1 of the same year.

D. Designated Positions

The positions attached to this Resolution as Exhibit A entail the making or participation in the making of decisions that may have a foreseeable material effect on the officials or officer's financial interests.

E. Categories of Reportable Economic Interests

Designated positions shall file according to their respective disclosure categories as shown on Exhibit B. Disclosure Category Definitions are outlined on Exhibit C.

F. Disclosure Requirements

Designated employees must disclose all interests as required by the Political Reform Act and regulations promulgated thereto. When a new position classification is created by the Authority, the Executive Director will decide whether the new position will be required to file a Statement of Economic Interest and be included as a designated position in the Conflict of Interest Code.

Section 3. This Resolution will become effective immediately upon adoption.

Section 4. The Secretary shall certify as to the adoption of this Resolution.

PASSED, APPROVED, AND ADOPTED this 9th day of November 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 No. THCA 2022-19 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 9th, day of November 2022, by the following roll call vote:

AYES: DIRECTORS:

NOES: DIRECTORS:

ABSENT: DIRECTORS:

ABSTAIN: DIRECTORS:

Kristina Santana, Secretary
Tres Hermanos Conservation Authority

EXHIBIT A**CONFLICT OF INTEREST CODE FOR THE
TRES HERMANOS CONSERVATION AUTHORITY**

The Political Reform Act, Government code Section 81000, et seq., requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission has adopted a regulation (2 Cal. Code of Reg. Section 18730) that contains the terms of a standard conflict of interest code. It can be incorporated by reference in an agency's code. After public notice and hearing, the standard code may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act. Therefore, the terms of 2 Cal. Code of Regs. Section 18730 and any amendment to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference. This regulation and the attached Appendix, designating positions and establishing disclosure categories shall constitute the conflict of interest code of the Tres Hermanos Conservation Authority (Authority).

Designated employees shall file statements of economic interests with the Authority who will make the statements available for public inspection and reproduction (Gov. Code Section 81008). Upon receipt of the statements of all designated positions, the Authority shall make and retain a copy and forward the original to the Fair Political Practices Commission.

EXHIBIT B

DESIGNATED POSITIONS

<u>Designated Position Disclosure</u>	<u>Category</u>
General Counsel	1
Consultant/New Positions*	*

*Consultants/new positions shall be included in the list of designated positions and shall disclose pursuant to the broadest disclosure category in the code subject to the following limitation:

The Executive Director may determine in writing that a particular consultant or new position, although a "designated position," is hired to perform a range of duties that is limited in scope and thus is not required to comply fully with the disclosure requirements described in this section. Such determination shall include a description of the consultant's or new position's duties and, based upon that description, a statement of the extent of disclosure requirements. The Executive Director's determination is a public record and shall be retained for public inspection in the same manner and location as this conflict-of-interest code (Gov. Code Sec. 81008).

Public Officials Who Manage Public Investments:

The following positions are not covered by the code because the positions manage public investments. Individuals holding such positions must file under Government Code Section 87200 and are listed for informational purposes only. Section 87200 requires disclosure of all investments and business positions in business entities, all income, including gifts, loans and travel payments, and real property.

- Alternate Board Director
- Board Director
- Board Members
- Executive Director
- Deputy Executive Director
- Administrative Director
- Treasurer and Auditor

Note: The Board Members and Alternates are elected officials from each member city. Member cities include the City of Industry, City of Chino Hills, and City of Diamond Bar. All other positions, except General Counsel and Consultants, are filled by employees of their respective member city and act in a staff capacity for Tres Hermanos Conservation Authority.

EXHIBIT C**CATEGORIES OF REPORTABLE ECONOMIC INTERESTS**Designated Persons in Category "1" Must Report:

All investments, business positions in business entities and sources of income (including receipt of gifts, loans and travel payments). Real property located within the jurisdiction as well as real property within two miles of the real property used or the potential site.

Designated Persons in Category "2" Must Report:

Investments and business positions in business entities and sources of income (including receipt of gifts, loans and travel payments) if the business entity or source provides leased facilities, products, equipment, vehicles, machinery or services (including training or consulting services) of the type utilized by the Authority.

This is the last page of the conflict of interest code for the Tres Hermanos Conservation Authority.



CERTIFICATION OF FPPC APPROVAL

Pursuant to Government Code Section 87303, the conflict of interest code for the Tres Hermanos Conservation Authority was approved on 9/28/22

This code will become effective on 10/28/22

Sukhdip Brar
Digitally signed by Sukhdip Brar
Date: 2022.09.28 13:36:30 -0700

Sukhi K. Brar
Assistant Chief Counsel
Fair Political Practices Commission