



WEST VALLEY WATER DISTRICT
855 W. BASE LINE ROAD, RIALTO, CA 92376
PH: (909) 875-1804 FAX: (909) 875-1849

REGULAR BOARD MEETING
AGENDA

THURSDAY, NOVEMBER 4, 2021
CLOSED SESSION - 6:00 PM • OPEN SESSION – 6:45 PM

BOARD OF DIRECTORS

Channing Hawkins, President
Kyle Crowther, Vice President
Dr. Michael Taylor, Director
Greg Young, Director
Dr. Clifford Young, Director

"In order to comply with legal requirements for posting of agendas, only those items filed with the District Secretary's office by noon, on Wednesday a week prior to the following Thursday meeting, not requiring departmental investigation, will be considered by the Board of Directors."

On March 4, 2020, Governor Newsom declared a State of Emergency resulting from the threat of COVID-19. On September 16, 2021, Governor Newsom signed Assembly Bill No. 361 into law. Assembly Bill No. 361 amends Government Code section 54953(e) by adding provisions for remote teleconferencing participation in meetings by members of a legislative body, without the requirements of Government Code section 54953(b)(3), subject to the existence of certain conditions. The West Valley Water District adopted a resolution determining, by majority vote, that, as a result of the declared State of Emergency, a meeting in person would present imminent risks to the health or safety of attendees. Accordingly, it has been determined that all Board and Workshop meetings of the West Valley Water District will be held pursuant to Assembly Bill No. 361, the Brown Act and will be conducted via teleconference. There will be no public access to the meeting venue. Members of the public may listen and provide public comment via telephone by calling the following number and access code: Dial: (888) 475-4499, Access Code: 840-293-7790 or you may join the meeting using Zoom by clicking this link: <https://us02web.zoom.us/j/8402937790>. Public comment may also be submitted via email to the Board Secretary, Peggy Asche at peggy@wvwd.org. If you require additional assistance, please contact peggy@wvwd.org.

OPENING CEREMONIES

Call to Order
Pledge of Allegiance
Opening Prayer
Roll Call of Board Members

ADOPT AGENDA

PUBLIC PARTICIPATION

Any person wishing to speak to the Board of Directors on matters listed or not listed on the agenda, within its jurisdiction, is asked to complete a Speaker Card and submit it to the District Clerk. Each speaker is limited to three (3) minutes. Under the State of California Brown Act, the Board of Directors is prohibited from discussing or taking action on any item not listed on the posted agenda. Comments related to noticed Public Hearing(s) and Business Matters will be heard during the occurrence of the item.

Public communication is the time for anyone to address the Board on any agenda item or anything under the jurisdiction of the district. Also, please remember that no disruptions from the crowd will be tolerated. If someone disrupts the meeting, they will be removed.

PRESENTATION

- Oliver P. Roemer Water Filtration Facility Expansion Update.

CONSENT CALENDAR

All matters listed under the Consent Calendar are considered routine and will be enacted by one vote. There will be no separate discussion of these items unless a member of the Board of Directors, Staff Member, or any member of the public request a specific item(s) be removed for separate action.

Consideration of:

1. October 14, 2021, Regular Board Meeting Minutes. **(Page No. 5)**
2. Adopt Resolution No. 2021-28, Proclaiming a Local Emergency, Ratifying the Proclamation of a State of Emergency by Governor Gavin Newsom on March 4, 2020, and Authorizing Remote Teleconference Meetings of the Legislative Bodies of West Valley Water District for the Period November 14, 2021, through December 14, 2021, Pursuant to Brown Act Provisions. **(Page No. 12)**

BUSINESS MATTERS

Consideration of:

None

REPORTS - LIMITED TO 5 MINUTES MAXIMUM (Presentations or handouts must be provided to Board Members in advance of the Board Meeting).

1. **Board Members**
2. **General Manager**
3. **Legal Counsel**

UPCOMING MEETINGS

1. November 8, 2021 - West Valley Water District Human Resources Committee Meeting at 6:00 p.m., at District Headquarters.
2. November 9, 2021 – West Valley Water District Safety & Technology Committee Meeting at 6:00 p.m., at District Headquarters.
3. November 10, 2021 - West Valley Water District Finance Committee Meeting at 1:00 p.m., at District Headquarters.
4. November 10, 2021 - West Valley Water District Engineering, Operations & Planning Committee at 6:00 p.m., at District Headquarters.
5. November 11, 2021 – West Valley Water District will be **CLOSED** in Observance of Veterans Day.
6. November __, 2021 – **TBD** - West Valley Water District External Affairs Committee Meeting at 6:00 p.m., at District Headquarters.
7. November 16, 2021 – San Bernardino Valley Municipal Water District Regular Board Meeting at 2:00 p.m., 380 E. Vanderbilt Way, San Bernardino, CA 92408.
8. November 18, 2021 – West Valley Water District Regular Board of Directors Meeting at 6:45 p.m. (6:00 p.m. Closed Session), at District Headquarters.
9. November 23, 2021 - West Valley Water District Policy Review & Oversight Committee Meeting at 6:00 p.m., at District Headquarters.
10. December 2, 2021 – West Valley Water District Regular Board of Directors Meeting at 6:45 p.m. (6:00 p.m. Closed Session), at District Headquarters.
11. December 7, 2021 - San Bernardino Valley Municipal Water District Regular Board Meeting at 2:00 p.m., 380 E. Vanderbilt Way, San Bernardino, CA 92408.

UPCOMING EDUCATIONAL & TRAINING OPPORTUNITIES

1. November 30 – December 2, 2021 – ACWA Fall Conference.

CLOSED SESSION

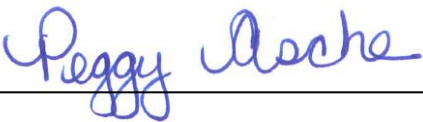
- CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION – Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Section 54956.9(b): Number of Cases: Three (3).

- PUBLIC EMPLOYEE PERFORMANCE EVALUATION – Pursuant to Government Code Section 54957, Title(s): General Manager.
- PUBLIC EMPLOYEE PERFORMANCE EVALUATION – Pursuant to Government Code Section 54957, Title(s): Legal Counsel.
- CONFERENCE WITH REAL PROPERTY NEGOTIATIONS (54956.8) – Potential Property Sale for Well No. 20 Property, 17553 Slover Ave., and 17567 Slover Ave., Bloomington, CA - APN NO's 0256-021-03 and 0256-021-04.
- CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION – San Bernardino County vs. West Valley Water District et al. Case No. CIV SB 2113136.
- CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION - Pursuant to Paragraph One (1) of Subdivision (d) of the Government Code Section 54956.9 Case Name: Nadia Loukeh. vs. West Valley Water District, Case No. CIVSB2116242.
- CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION - Pursuant to Paragraph One (1) of Subdivision (d) of the Government Code Section 54956.9 Case Name: Diana Gunn. vs. West Valley Water District, Case No. CIVSB2117195.

ADJOURN

DECLARATION OF POSTING:

I declare under penalty of perjury, that I am employed by the West Valley Water District and posted the foregoing Agenda at the District Offices on November 1, 2021.



Peggy Asche, Board Secretary

Please Note:

Material related to an item on this Agenda submitted to the Board after distribution of the agenda packet are available for public inspection in the district's office located at 855 W. Baseline, Rialto, during normal business hours. Also, such documents are available on the district's website at www.wvwd.org subject to staff's ability to post the documents before the meeting.

Pursuant to Government Code Section 54954.2(a), any request for a disability-related modification or accommodation, including auxiliary aids or services, in order to attend or participate in the above-agendized public meeting should be directed to Peggy Asche, at least 72 hours in advance of the meeting to ensure availability of the requested service or accommodation. Ms. Asche may be contacted by telephone at (909) 875-1804 ext. 703, or in writing at the West Valley Water District, P.O. Box 920, Rialto, CA 92377-0920.

MINUTES
REGULAR BOARD MEETING
of the
WEST VALLEY WATER DISTRICT
October 14, 2021

Attendee Name	Present	Excused	Absent
Board of Directors			
Channing Hawkins	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Michael Taylor	<input checked="" type="checkbox"/> remote	<input type="checkbox"/>	<input type="checkbox"/>
Kyle Crowther	<input checked="" type="checkbox"/> remote	<input type="checkbox"/>	<input type="checkbox"/>
Clifford Young	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Gregory Young	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Staff			
Shamindra Manbahal	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Van Jew	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Naseem Farooqi	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Haydee Sainz	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Peggy Asche	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Linda Jadeski	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jon Stephenson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Joanne Chan	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Albert Clinger	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Maisha Mesa	<input checked="" type="checkbox"/> remote	<input type="checkbox"/>	<input type="checkbox"/>
Jose Velasquez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Legal Counsel			
Robert Tafoya	<input checked="" type="checkbox"/> remote	<input type="checkbox"/>	<input type="checkbox"/>

OPENING CEREMONIES

Pledge of Allegiance – Led by Director Greg Young
Opening Prayer – Pastor Bratton, Grace Community Baptist Church
Call to Order
Roll Call of Board Members

ADOPT AGENDA

WVWD

Minutes: 10/14/21

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Gregory Young, Director
SECONDER:	Michael Taylor, Director
AYES:	Channing Hawkins, Michael Taylor, Kyle Crowther, Gregory Young
NAYS:	None
ABSENT:	Clifford Young

PUBLIC PARTICIPATION

Peggy Asche, Board Secretary, stated that no requests were received to speak via email. President Channing Hawkins inquired if anyone from the public would like to speak. There were no comments.

PRESENTATION

- **IE Works – Intern Program Certificates**

President Channing Hawkins reported that he attended an Apprenticeship Summit last week with representatives from over 60 agencies that participated. As of October 1, 2021, IE Works Internship participants completed the ten-week pilot program at the district. President Hawkins thanked and congratulated the district's three interns, Jacinda Ashbaugh, Dimitirius Glass, and Roberto Vargas Solis. They are the first to go through the internship program and their training consisted of rotating through various departments including water maintenance, meter service, water treatment, production and water quality. The Board members presented certificates to each intern and congratulated them.

- **Rialto Unified School District – Harbor Freight Fellowship**

The Harbor Freight Fellowship sponsors students who are interested in the water industry. A certificate was presented to Cesar Prado for completing 120 hours of the internship program at the district.

- **Welcome Two New Employees**

The district recently hired Marco Bravo, Associate Engineer and Roberto Ramirez, IT Specialist.

- **Redistricting Overview Process for Transparency and Inclusion**

Mr. Daryl Lucien, Lucien Partners, reported that he is the firm that was contracted to assist the district in its endeavors to comply with the applicable law that relates to the redistricting process. There are state and federal rules to follow, and another aspect that is very important is public participation and community engagement. A PowerPoint presentation was provided with the process and timeline. Mr. Naseem Farooqi, Director of Government & Legislative Affairs, stated that invitations will be going out soon to ratepayers letting them know the location and time of the community workshops.

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CONSENT CALENDAR

Director Greg Young stated that he would like to remove Item No's 5, 6 and 15 for a separate vote. Director Greg Young motioned to adopt items 1 through 4 and 7 through 14 and pull Item No's 5, 6 and 15 for separate consideration. Director Dr. Michael Taylor second the motion and there was no discussion. The following vote was taken:

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Greg Young, Director
SECONDER:	Michael Taylor, Director
AYES:	Channing Hawkins, Michael Taylor, Kyle Crowther, Gregory Young
NAYS:	None
ABSENT:	Clifford Young

1. **REGULAR BOARD MEETING MINUTES - SEPTEMBER 2, 2021.**
2. **REGULAR BOARD MEETING MINUTES - SEPTEMBER 16, 2021.**
3. **SEPTEMBER 23, 2021 - SPECIAL BOARD MEETING MINUTES.**
4. **ADOPT RESOLUTION NO. 2021-25 - PROCLAIMING A LOCAL EMERGENCY, RATIFYING THE PROCLAMATION OF A STATE OF EMERGENCY BY GOVERNOR GAVIN NEWSOM ON MARCH 4, 2020, AND AUTHORIZING REMOTE TELECONFERENCE MEETINGS OF THE LEGISLATIVE BODIES OF WEST VALLEY WATER DISTRICT FOR THE PERIOD OF OCTOBER 14, 2021, THROUGH NOVEMBER 14, 2021, PURSUANT TO BROWN ACT PROVISIONS.**
5. **ADOPT RESOLUTION NO. 2021-26, TO SUPPORT ORANGE COUNTY WATER DISTRICT FIRST VICE PRESIDENT CATHY GREEN AS A CANDIDATE FOR THE OFFICE OF ACWA VICE PRESIDENT.** (Item No's 5, 6 and 15 was moved to Business Matters for discussion during the adoption of the Consent Calendar).
6. **ADOPT RESOLUTION NO. 2021-27, TO SUPPORT PAMELA TOBIN FOR PRESIDENT OF ACWA.** (Item No's 5, 6 and 15 was moved to Business Matters for discussion during the adoption of the Consent Calendar).
7. **REJECTION OF CLAIMS – STAFF RECOMMENDS THAT THE BOARD REJECT THE FOLLOWING CLAIM(S) AND DIRECT STAFF TO SEND APPROPRIATE NOTICE OF REJECTION TO CLAIMANT(S): AURORA XIMORA RODRIGUEZ VS WEST VALLEY WATER DISTRICT, CLAIM NO. 21-0689; KAYLIN PATRISE AGREDA VS WEST VALLEY WATER DISTRICT, CLAIM NO. 21-0689; AND GUADALUPE RODRIGUEZ VS WEST VALLEY WATER DISTRICT, CLAIM NO. 21-0689.**
8. **APPROVAL OF INVOICE WITH CALIPER CORPORATION FOR ONLINE MAPPING SOFTWARE.**

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- 9. APPROVAL OF AGREEMENT WITH LUCIEN PARTNERS FOR REDISTRICTING SERVICES.
- 10. APPROVAL OF FLEET REPLACEMENT POLICY.
- 11. RATIFY EXPENDITURES FOR TREATMENT SLUDGE DISPOSAL.
- 12. APPROVAL OF PAYMENT TO HUNT ORTMANN PALFFY NIEVES, FOR PROFESSIONAL SERVICES RENDERED IN AUGUST 2021, INVOICE NO. 89593; \$8,837.50.
- 13. APPROVAL OF PAYMENT TO IVIE MCNEILL WYATT PURCELL & DIGGS, FOR PROFESSIONAL SERVICES RENDERED IN AUGUST 2021, DAVIS VS WVWD. INVOICE NO. 745208; \$992.50.
- 14. APPROVAL OF PAYMENT TO IVIE MCNEILL WYATT PURCELL & DIGGS, FOR PROFESSIONAL SERVICES RENDERED IN AUGUST 2021, ROMERO VS WVWD. INVOICE NO. 745209; \$4,715.87.
- 15. APPROVAL OF PAYMENT TO LAW OFFICES OF JULIA SYLVA, FOR PROFESSIONAL SERVICES RENDERED IN SEPTEMBER 2021, INVOICE NO. 21-03; \$2,168.00. (Item No's 5, 6 and 15 was moved to Business Matters for discussion during the adoption of the Consent Calendar).

BUSINESS MATTERS

- 5. ADOPT RESOLUTION NO. 2021-26, TO SUPPORT ORANGE COUNTY WATER DISTRICT FIRST VICE PRESIDENT CATHY GREEN AS A CANDIDATE FOR THE OFFICE OF ACWA VICE PRESIDENT. (Moved from Consent Calendar)

Director Greg Young inquired about both candidates stating that he is not familiar with them and asked staff to enlighten him on these candidates. Mr. Naseem Farooqi stated that the ACWA Nominating Committee nominated these two individuals for President and Vice President. The district received notification requesting action for consideration. Director Greg Young then motioned to adopt Item No's 5 and 6 with one vote. Director Dr. Michael Taylor second the motion and hearing no discussion, the following vote was taken:

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Gregory Young, Director
SECONDER:	Michael Taylor, Director
AYES:	Channing Hawkins, Michael Taylor, Kyle Crowther, Gregory Young
NAYS:	None
ABSENT:	Clifford Young

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6. ADOPT RESOLUTION NO. 2021-27, TO SUPPORT PAMELA TOBIN FOR PRESIDENT OF ACWA. (Moved from Consent Calendar)

Director Greg Young inquired about both candidates stating that he is not familiar with them and asked staff to enlighten him on these candidates. Mr. Naseem Farooqi stated that the ACWA Nominating Committee nominated these two individuals for President and Vice President. The district received notification requesting action for consideration. Director Greg Young then motioned to adopt Item No's 5 and 6 with one vote. Director Dr. Michael Taylor second the motion and hearing no discussion, the following vote was taken:

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Gregory Young, Director
SECONDER:	Michael Taylor, Director
AYES:	Channing Hawkins, Michael Taylor, Kyle Crowther, Gregory Young
NAYS:	None
ABSENT:	Clifford Young

15. APPROVAL OF PAYMENT TO LAW OFFICES OF JULIA SYLVA, FOR PROFESSIONAL SERVICES RENDERED IN SEPTEMBER 2021, INVOICE NO. 21-03; \$2,168.00. (Moved from Consent Calendar)

Director Dr. Michael Taylor motioned to approve payment to the Law Offices of Julia Sylva and Vice President Kyle Crowther second the motion. Hearing no discussion, the following vote was taken:

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Michael Taylor, Director
SECONDER:	Kyle Crowther, Vice President
AYES:	Channing Hawkins, Michael Taylor, Kyle Crowther
NAYS:	None
ABSTAIN:	Gregory Young
ABSENT:	Clifford Young

16. RECOMMENDATION FOR LOCATION OF EXECUTIVE COACHING AND STRATEGIC PLANNING.

President Channing Hawkins requested that this item be postponed until the next regularly scheduled Board meeting. This will allow the opportunity for each Board member to provide their input before a formal action is taken. Mr. Shamindra Manbahal reported that staff is proposing for a Strategic Plan for the next five years. He has arranged interviews and meetings for the Executive Team to meet first with the facilitator and then the Board members. The facilitators name is Greg Larson, Management Partners, and his bio has been forwarded to all Board members for review.

RESULT:	TABLED TO NEXT BOARD MEETING - OCTOBER 21, 2021
	No vote was taken.

WVWD

Minutes: 10/14/21

REPORTS - LIMITED TO 5 MINUTES MAXIMUM (Presentations or handouts must be provided to Board Members in advance of the Board Meeting).

1. Board Members

- Director Greg Young thanked again the interns who completed their internship at the district and thanked President Hawkins for his leadership in the program. Thanked those who have reached out to him regarding his family and reported that his dad is doing much better. He mentioned that today is his mother's birthday and wished her happy birthday.
- President Hawkins mentioned an item that is on the Consent Calendar, which was adopted, Resolution No. 2021-25, noting in order for the district to continue remote teleconference meetings, a new Resolution will be made every 30 days and placed on the Consent Calendar thereafter to continue to meet under the teleconferencing procedures.

2. General Manager

- Shamindra Manbahal also thanked the interns and staff for taking the time to train the interns. Last week he attended a Watersmart Innovations Conference and enjoyed the training sessions on drought and water conservation.

3. Legal Counsel

- Robert Tafoya reported that several items were considered in Closed Session; however, no final actions were taken.

CLOSED SESSION

- CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION – Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Section 54956.9(b): Number of Cases: Seven (7).
- CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION – San Bernardino County vs. West Valley Water District et al. Case No. CIV SB 2113136.
- CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION - Pursuant to Paragraph One (1) of Subdivision (d) of the Government Code Section 54956.9 Case Name: Patricia Romero vs. West Valley Water District, Case No. CIVDS2024402.
- CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION - Pursuant to Paragraph One (1) of Subdivision (d) of the Government Code Section 54956.9 Case Name: Nadia Loukeh. vs West Valley Water District, Case No. CIVSB2116242.
- CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION - Pursuant to Paragraph One (1) of Subdivision (d) of the Government Code Section 54956.9 Case Name: Diana Gunn. vs West Valley Water District, Case No. CIVSB2117195.

WVWD

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- CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Naisha Davis v. West Valley Water District et al. Case No. 20STCV0323.

ADJOURN

There being no further business, the meeting adjourned at 7:00 p.m.

Channing Hawkins
President of the Board of Directors
of West Valley Water District

ATTEST:

Peggy Asche, Board Secretary



**BOARD OF DIRECTORS
STAFF REPORT**

DATE: November 4, 2021
TO: Board of Directors
FROM: Shamindra Manbahal, General Manager
SUBJECT: ADOPT RESOLUTION NO. 2021-28 - TELECONFERENCE MEETINGS

This item was brought to the Board of Directors during the October 14, 2021, Special Board of Director's meeting as a method to continue remote teleconference meetings at West Valley Water District in accordance with the Brown Act. During that meeting, the Board of Directors approved a Resolution to continue remote teleconference meetings of West Valley Water District and will continue to evaluate the situation and renew this Resolution every 30-days thereafter until it is decided the resolution will no longer be needed.

BACKGROUND:

On March 17, 2020, due to the COVID-19 global pandemic emergency, Governor Newsom issued Executive Order N-29-20, which allowed local agencies to hold meetings via teleconferences and to make meetings accessible electronically without violating the open meetings laws in the Brown Act by relaxing the teleconferencing rules.

On June 11, 2021, Governor Newsom issued Executive Order N-08-21, which replaced the text in Executive Order N-29-20. Executive Order N-08-21 stated the relaxed Brown Act provisions shall apply through September 30, 2021.

The recently signed Assembly Bill No. 361 provides additional flexibility for local agencies looking to meet remotely in order to continue providing the public with essential services during a proclaimed state of emergency. The goal of Assembly Bill No. 361 is "to improve 82 and enhance public access to state and local agency meetings during the COVID-19 pandemic and future emergencies by allowing broader access through teleconferencing options."

Assembly Bill No. 361 allows a local agency to use teleconferencing without complying with certain Brown Act provisions in any of the following circumstances:

1. The legislative body holds a meeting during a proclaimed state of emergency, and state or local officials have imposed or recommended measures to promote social distancing.
2. The legislative body holds a meeting during a proclaimed state of emergency for the purpose of determining, by majority vote, whether as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

3. The legislative body holds a meeting during a proclaimed state of emergency and has determined, by majority vote that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

Assembly Bill No. 361 will be in effect on October 1, 2021. A local agency is authorized to use teleconferencing without complying with the teleconferencing requirements in the Brown Act when meetings are held during a declared state of emergency until January 1, 2024. In order to do so, the local agency must adopt a Resolution making the following findings by majority vote:

1. The legislative body has considered the circumstances of the state-of-emergency; and
2. Any of the following circumstances exist:
 - a. The state-of-emergency continues to directly impact the ability of the members to meet safely in person; or
 - b. State or local officials continue to impose or recommend measures to promote social distancing.
 - c. When there is a continuing state of emergency, or when state or local officials have imposed or recommended measures to promote social distancing, the bill would require a legislative body to make specified findings not later than 30 days after the first teleconferenced meeting pursuant to these provisions, and to make those findings every 30 days thereafter in order to continue to meet under these abbreviated teleconferencing procedures.

FISCAL IMPACT:

None

STAFF RECOMMENDATION:

Adopt Resolution No. 2021-28 authorizing remote teleconference of the legislative bodies of West Valley Water District for the period November 14, 2021, through December 14, 2021.

Attachment

Resolution No. 2021-28

Respectfully Submitted,

Shamindra Manbahal

Shamindra Manbahal, General Manager

SM:pa

ATTACHMENT(S):

1. Resolution No. 2021-28

RESOLUTION NO. 2021-28
A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE WEST VALLEY WATER DISTRICT
PROCLAIMING A LOCAL EMERGENCY, RATIFYING THE PROCLAMATION
OF A STATE OF EMERGENCY BY GOVERNOR GAVIN NEWSOM ON
MARCH 4, 2020, AND AUTHORIZING REMOTE TELECONFERENCE MEETINGS
OF THE LEGISLATIVE BODIES OF WEST VALLEY WATER DISTRICT FOR THE
PERIOD NOVEMBER 14, 2021, THROUGH DECEMBER 14, 2021,
PURSUANT TO BROWN ACT PROVISIONS

WHEREAS, West Valley Water District is committed to preserving and nurturing public access and participation in meetings of the Board of Directors; and

WHEREAS, all meetings of the West Valley Water District's legislative bodies are open and public, as required by the Ralph M. Brown Act (Gov't Code § 54950 et seq.), so that any member of the public may attend, participate, and watch the district's legislative bodies conduct their business; and

WHEREAS, the Brown Act, Government Code section 54950(e), makes provisions for remote teleconferencing participation in meetings by members of a legislative body, without compliance with the requirements of Government Code section 54953(b)(3), subject to the existence of certain conditions; and

WHEREAS, a required condition is that a state of emergency is declared by the Governor pursuant to Government Code section 8625, proclaiming the existence of conditions of disaster or of extreme peril to the safety of persons and property within the state caused by conditions as described in Government Code section 8558; and

WHEREAS, a proclamation is made when there is an actual incident, threat of disaster, or extreme peril to the safety of persons and property within the jurisdictions that are within the district's boundaries, caused by natural, technological, or human-caused disasters; and

WHEREAS, it is further required that state or local officials have imposed or recommended measures to promote social distancing, or the state of emergency continues to directly impact the ability of the members to meet safely in person; and

WHEREAS, such conditions now exist in the district, specifically, a state of emergency has been proclaimed due to an outbreak of respiratory illness due to a novel coronavirus (a disease now known as COVID-19); and

WHEREAS, the San Bernardino County Department of Health has recommended measures to promote social distancing; and

WHEREAS, the Board of Directors has determined that the state of emergency continues to directly impact the ability of the members to meet safely in person; and

WHEREAS, the Board of Directors does hereby find that the current state of emergency with respect to COVID-19, local official recommendations to promote social distancing, and conditions causing imminent risk to the health and safety of attendees have caused, and will

continue to cause, conditions of peril to the safety of persons with the district that are likely to be beyond the control of services, personnel, equipment, and facilities of the district, and desires to proclaim a local emergency and ratify the proclamation of state of emergency by the Governor of the State of California; and

WHEREAS, as a consequence of the local emergency, the Board of Directors does hereby find that the legislative bodies of West Valley Water District shall conduct their meetings without compliance with paragraph (3) of subdivision (b) of Government Code section 54953, as authorized by subdivision (e) of section 54953, and that such legislative bodies shall comply with the requirements to provide the public with access to the meetings as prescribed in paragraph (2) of subdivision (e) of section 54953;

NOW, THEREFORE, BE IT RESOLVED THAT THE BOARD OF DIRECTORS OF THE WEST VALLEY WATER DISTRICT as follows:

Section 1. Recitals The Recitals set forth above are true and correct and are incorporated into this Resolution by this reference.

Section 2. Proclamation of Local Emergency. The Board hereby proclaims that a local emergency now exists throughout the district and declares that meeting in person would not comply with local official recommendations to promote social distancing and would present imminent risk to the health and safety of attendees.

Section 3. Ratification of Governor’s Proclamation of a State of Emergency. The Board hereby ratifies the Governor of the State of California’s Proclamation of a State of Emergency, effective as of its issuance date of March 4, 2020.

Section 4. Remote Teleconference Meetings. The General Manager and legislative bodies of the West Valley Water District are hereby authorized and directed to take all actions necessary to carry out the intent and purpose of this Resolution including, conducting open and public meetings in accordance with Government Code section 54953(e) and other applicable provisions of the Brown Act.

Section 5. Effective Date of Resolution. This Resolution shall take effect on November 14, 2021, and shall be effective until the earlier of (a) December 14, 2021, or (b) such time the Board of Directors adopts a subsequent resolution in accordance with Government Code section 54953(e)(3) to extend the time during which the legislative bodies of the West Valley Water District may continue to teleconference without compliance with paragraph (3) of subdivision (b) of section 54953.

ADOPTED, this _____ day of _____, 2021.

Channing Hawkins
President of the Board of Directors
West Valley Water District

Peggy Asche
Board Secretary