

MINUTES OF REGULAR MEETING OF THE COMMISSIONERS OF THE ANTELOPE VALLEY STATE WATER CONTRACTORS ASSOCIATION, AUGUST 18, 2022.

A regular meeting of the Commissioners of the Antelope Valley State Water Contractors Association was held Thursday, August 18, 2022, at 2029 East Avenue Q, Palmdale, CA 93550 and via teleconference. Chair Parris called the meeting to order at 6:00 p.m.

1) Pledge of Allegiance.

No pledge of allegiance was held.

2) Roll Call.

Attendance:

Robert Parris, Chair
Kathy Mac Laren-Gomez, V. Chr.
Don Wilson, Secretary
Leo Thibault, Treasurer-Auditor
Keith Dyas, Commissioner
Barbara Hogan, Commissioner

Others Present:

Peter Thompson II, General Manager
Tom Barnes, Resources Manager
Dennis Hoffmeyer, Controller
Yecenia Vargas, PWD Asst. General Counsel
James Chaisson, LCID General Manager
Matthew Knudson, AVEK Asst. Gen. Manager
Adam Ly, PWD Asst. General Manager
Audrey Miller, AVEK Board Director
Danielle Henry, Management Analyst
2 members of the public

3) Adoption of Agenda.

It was moved by Commissioner Thibault, seconded by Commissioner Mac Laren-Gomez, and unanimously carried by all members of the Board of Commissioners present at the meeting on the following roll call vote to adopt the agenda, as written:

Chair Parris – aye
Commissioner Mac Laren-Gomez – aye
Commissioner Thibault - aye
Commissioner Wilson – aye
Commissioner Dyas – aye
Commissioner Hogan – aye

4) Public Comments for Non-Agenda Items.

There were no public comments.

5) Consideration and Possible Action on Minutes of Regular Meeting Held June 9, 2022.

It was moved by Commissioner Dyas, seconded by Commissioner Wilson, and unanimously carried by all members of the Board of Commissioners present at the meeting on the following roll call vote to approve the minutes of the regular meeting held June 9, 2022, as written:

Chair Parris – aye
Commissioner Mac Laren-Gomez – aye
Commissioner Thibault - aye
Commissioner Wilson – aye
Commissioner Dyas – aye
Commissioner Hogan– aye

6) Payment of Bills.

It was moved by Commissioner Thibault, seconded by Commissioner Mac Laren-Gomez, and unanimously carried by all members of the Board of Commissioners present at the meeting on the following roll call vote to approve payment of the bills received from PWD in the amount of \$3,310.20 for staff services, from ACWA/JPIA in the amount of \$112.50 for the 2022/2023 Cyber Liability Program, from Kennedy/Jenks Consultants in the amounts of \$6,223.75 and \$7,465.00 for professional services associated with the Big Rock Creek Joint Groundwater Recharge Project, from Woodard and Curran in the amounts of \$18,635.00, \$10,805.75 and \$3,047.50 for professional services associated with the 2019 Integrated Regional Water Management Plan update and Disadvantaged Community Involvement (DACI) Program Set Aside Grant, from the Antelope Valley Watermaster in the amounts of \$36,000.00 and \$18,000.00 for the Association's and for the Antelope Valley Regional Water Management Group's cost share of the 2021/2022 United States Geological Survey Joint Funding Agreement, and pass-through payments to AVEK in the amount of \$5,852.50 and to Antelope Valley Resource Conservation District in the amount of \$8,710.00 for Prop. 1 grant funding received from the Department of Water Resources:

Chair Parris – aye
Commissioner Mac Laren-Gomez – aye
Commissioner Thibault – aye
Commissioner Wilson – aye
Commissioner Dyas – aye
Commissioner Hogan – aye

7) Consideration and Possible Action on Resolution No. 2022-3 Being a Resolution of the Board of Commissioners of the Antelope Valley State Water Contractors Association Ratifying the Proclamation of a State of Emergency by the Governor Issued March 4, 2020, and Authorizing Remote Teleconference Meetings of the Legislative Bodies of the Antelope Valley State Water Contractors Association for the Period Beginning August 18, 2022 and Ending September 17, 2022 Pursuant to Brown Act Provisions. (General Counsel Trindle/General Manager Thompson II)

It was moved by Commissioner Hogan, seconded by Commissioner Wilson, and unanimously carried by all members of the Board of Commissioners present at the meeting on the following roll call vote to approve Resolution No. 2022-3 being a Resolution of the Board of Commissioners of the Antelope Valley State Water Contractors Association Ratifying the Proclamation of a State of Emergency by the Governor Issued March 4, 2020, and Authorizing Remote Teleconference Meetings of the Legislative Bodies of the Antelope Valley State Water Contractors Association for the Period Beginning August 18, 2022 and Ending September 17, 2022 Pursuant to Brown Act Provisions:

Chair Parris – aye
Commissioner Mac Laren-Gomez – aye
Commissioner Thibault - aye
Commissioner Wilson – aye
Commissioner Dyas – aye
Commissioner Hogan – aye

Resolution No. 2022-3 is hereby made a portion of the minutes of this meeting.

8) Presentation on Big Rock Creek Joint Groundwater Recharge Project Draft Feasibility Study. (General Manager Thompson II/Mr. Paul Chau, Kennedy Jenks)

Mr. Paul Chau, of Kennedy/Jenks, provided a detailed presentation on the Big Rock Creek Joint Groundwater Recharge Project Feasibility Study, including the Project

background, the challenges involved, the costs and recharge capacities of the four alternatives, and the rankings and summaries of the two recommended recharge alternatives being Alternative 2 – East Avenue T and East Avenue S Culverts and Alternative 3 - Offsite Recharge Basin and Pipeline.

After a brief discussion of recharge capacities and costs, of the short- and long-term benefits of proceeding with Alternatives 2 and 3 as separate projects, and of potential California Aqueduct East Branch partners, staff was directed to submit the Draft Feasibility Study to the Antelope Valley Watermaster Engineer for review and to explore partnership opportunities with East Branch providers for Alternative 3.

9) Consideration and Possible Action on Authorization of Staff to Release Received Replacement Water Assessments in Accordance with the Replacement Water Plan Approved by the Antelope Valley Watermaster. (General Manager Thompson II)

General Manager Thompson II reviewed the approved Antelope Valley Watermaster Replacement Water Plan and the second Request for Replacement Water in accordance with the 2019 Agreement between the Association and the Watermaster after which it was moved by Commissioner Thibault, seconded by Commissioner Mac Laren-Gomez, and unanimously carried by all members of the Board of Commissioners present at the meeting on the following roll call vote to authorize staff to release the Replacement Water Assessment Fees of \$1,432,552.94 in accordance with the Replacement Water Plan approved by the Antelope Valley Watermaster:

Chair Parris – aye
Commissioner Mac Laren-Gomez – aye
Commissioner Thibault – aye
Commissioner Wilson – aye
Commissioner Dyas – aye
Commissioner Hogan – aye

10) Consideration and Possible Action on Approval of Resolution No. 2022-4 Being a Resolution of the Commissioners of the Antelope Valley State Water Contractors Association Authorizing Completion and Submission of California Fair Political Practices Commission Biennial Notice Regarding the Conflict of Interest and Disclosure Code for the Antelope Valley State Water Contractors Association. (General Counsel Trindle/General Manager Thompson II)

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Assistant General Counsel Vargas provided a brief overview of the California Fair Political Practices Commission Biennial Notice requirement and stated that the Association's Conflict of Interest Code was updated in 2019 and that no additional updates are required after which it was moved by Commissioner Mac Laren-Gomez, seconded by Commissioner Dyas, and unanimously carried by all members of the Board of Commissioners present at the meeting on the following roll call vote to approve Resolution No. 2022-4 Being a Resolution of the Commissioners of the Antelope Valley State Water Contractors Association Authorizing Completion and Submission of California Fair Political Practices Commission Biennial Notice Regarding the Conflict of Interest and Disclosure Code for the Antelope Valley State Water Contractors Association:

Chair Parris – aye
Commissioner Mac Laren-Gomez – aye
Commissioner Thibault – aye
Commissioner Wilson – aye
Commissioner Dyas – aye
Commissioner Hogan – aye

Resolution No. 2022-4 is hereby made a portion of the minutes of this meeting

11) Consideration and Possible Action on Acceptance and Filing of Audit for Year ended June 30, 2021. (Controller Hoffmeyer)

Controller Hoffmeyer provided a detailed overview of the Association's audit for year ended June 30, 2021 after which it was moved by Commissioner Thibault, seconded by Commissioner Dyas, and unanimously carried by all members of the Board of Commissioners present at the meeting on the following roll call vote to accept and file the Association's audit for year ended June 30, 2021:

Chair Parris – aye
Commissioner Mac Laren-Gomez – aye
Commissioner Thibault – aye
Commissioner Wilson – aye
Commissioner Dyas – aye
Commissioner Hogan – aye

12) Report of General Manager.

a) Status Updates:

1) Antelope Valley Watermaster Meetings.

General Manager Thompson II reported that selection of a third-party Watermaster administrator will be considered at the meeting to be held on August 24, 2022; that the 2021 Annual Report was approved and filed with the Department of Water Resources; that a presentation on AVEK's High Desert Water Bank was provided to the Watermaster Board; and that the Watermaster Board authorized letters of appreciation to the City of Palmdale, City of Lancaster, Board of Supervisors, and Los Angeles Sheriff's Department regarding their efforts in monitoring and action against water theft.

2) Antelope Valley and Fremont Basin IRWMP Stakeholder Meetings.

He then reported that staff continues to work with Woodard and Curran on the grant administration for the Urban and Multi-Benefit Drought Relief Disadvantaged Community Involvement (DACI) and Proposition 1 grant programs; that a meeting was held on July 13, 2022 to discuss projects and timing for Prop. 1 Round 2 grant opportunities; that the projects submitted for Prop. 1 Round 2 will be discussed at the meeting to be held on September 14, 2022; and that the three rounds of payments received from the Department of Water Resources for the Prop. 1 grant projects have been disbursed to the Project proponents.

There was no report on the Fremont Basin IRWMP.

3) Mutual Response Agreement for Antelope Valley Agencies.

He then reported that the Mutual Response Group for Antelope Valley Agencies (AV MRG) met on July 26, 2022; that the AV MRG participants approved a boundary map based on the service boundaries of the Association's member agencies; that a tabletop exercise will be scheduled before the next AV MRG meeting; that Coordinator Shere is working with the participating agencies to develop a shareable assets list; and that the proposed amendment to the Agreement for reduced insurance liability requirements for mutual water companies was rescinded due to lack of support.

After a brief discussion of a separate agreement for mutual aid between the Association's member agencies and the mutual water companies, of liability insurance requirements and shared claim coverage, and of State Water Project tax revenues, staff was directed to contact ACWA/JPIA for clarification on liability requirements and potential risks involved with this proposed agreement.

4) Letter of Support for City of Lancaster's Farm to School Grant Application.

He then reported that staff provided a letter of support for the City of Lancaster's Farm to School grant application which includes a community kitchen and hydroponic demonstration garden at the AV Fairgrounds.

He then stated that staff is coordinating a future presentation on the Delta Conveyance Project and that the Big Rock Creek Joint Recharge Project Final Feasibility Study is anticipated to be ready for presentation at the December Association meeting.

13) Report of Controller.

a) Update on Revenue, Expenses and Change in Net Position.

Controller Hoffmeyer provided an overview of the Association's revenue, expenses and change in net position for the month ending July 31, 2022 and stated that all 2022/2023 member agency contributions have been received.

14) Reports of Commissioners.

Commissioner Mac Laren-Gomez thanked General Manager Thompson II for providing a letter of support for the City of Lancaster's Farm to School grant application.

There were no further reports of Commissioners.

15) Report of Attorney.

Assistant General Counsel Vargas reported that AB1944 regarding remote teleconference meetings has expired and that AB2449 regarding remote teleconference participation with the requirement of an in-person quorum is still in discussion.

16) Commission Members' Requests for Future Agenda Items.

There were no requests for future agenda items.

17) Consideration and Possible Action on Scheduling the Next Association Meeting October 13, 2022.

After a brief discussion, it was determined that the next regular meeting of the Association will be held on October 13, 2022, at 6:00 p.m.

18) Adjournment.

There being no further business to come before the Commissioners, the regular meeting of the Commissioners of the Antelope Valley State Water Contractors Association was adjourned at 7:49 p.m.


Secretary

RESOLUTION NO. 2022-3

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE ANTELOPE VALLEY STATE WATER CONTRACTORS ASSOCIATION RATIFYING THE PROCLAMATION OF A STATE OF EMERGENCY BY THE GOVERNOR ISSUED MARCH 4, 2020, AND AUTHORIZING REMOTE TELECONFERENCE MEETINGS OF THE LEGISLATIVE BODIES OF THE ANTELOPE VALLEY STATE WATER CONTRACTORS ASSOCIATION FOR THE PERIOD BEGINNING AUGUST 18, 2022 AND ENDING SEPTEMBER 17, 2022 PURSUANT TO BROWN ACT PROVISIONS.

WHEREAS, the Antelope Valley Water Contractors Association (“AVSCWA”) is committed to preserving and nurturing public access and participation in meetings of the Board of Commissioners; and

WHEREAS, all meetings of AVSCWA’s legislative bodies are open and public, as required by the Ralph M. Brown Act (Cal. Gov. Code 54950 – 54963), so that any member of the public may attend, participate, and watch AVSCWA’s legislative bodies conduct their business; and

WHEREAS, the Brown Act, Government Code section 54953(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 AVSCWA’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 legislative body meeting in person would present imminent risks to the health and safety of attendees; and

WHEREAS, such conditions now exist in AVSCWA, specifically, a State of Emergency has been proclaimed by the Governor of the State of California on March 4, 2020 in response to the global outbreak of the novel Coronavirus disease (“COVID-19”); and

WHEREAS, meeting in person would present an imminent risk to the health and safety of attendees due to the continued impact of the COVID-19 pandemic; and

WHEREAS, the Board of Commissioners does hereby find that a State of Emergency has been proclaimed as a result of the threat of COVID-19 and the contagious nature of COVID-19 have caused, and will continue to cause, conditions of peril to the safety of persons within AVSCWA that are likely to be beyond the control of services, personnel, equipment, and facilities of AVSCWA, and desires to ratify the proclamation of state of emergency by the Governor of the State of California; and

WHEREAS, such conditions now exist in AVSCWA, specifically County of Los Angeles Department of Public Health – Order of the Health Officer issued April 21, 2022 and effective April 22, 2022, the State Public Health Officer Order – Beyond the Blueprint last updated June 8, 2022, Beyond the Blueprint for Industry and Business Sectors updated as of May 2, 2022, strongly recommending continued use of face masks while indoors in general, regardless of vaccination status, and requiring the continued use of face masks for indoor settings with higher risks for transmission, due to the evidence of increasing

transmission of COVID-19 within the County and worldwide, particularly due to the Omicron variant of the virus. Further, County health orders and guidance incorporates a variety of local, state, and federal declarations, proclamations, guidance, and recommendations, including continued social distancing of six (6) feet from others, especially while indoors, and especially while indoors for extended periods of time; and

WHEREAS, as a consequence of the imminent risks to the health and safety of attendees due to the continued impact of the COVID-19 pandemic, the Board of Commissioners does hereby find that the legislative bodies of the AVSCWA 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, THE BOARD OF COMMISSIONERS OF THE ANTELOPE VALLEY STATE WATER CONTRACTORS ASSOCIATION DOES HEREBY RESOLVE 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. Finding of Imminent Risks. The Board hereby finds that meeting in person would present imminent risks to the health and safety of attendees due to the serious and contagious nature of COVID-19.

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 staff, General Manager, and legislative bodies of AVSWCA 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 immediately upon its adoption and shall be effective until the earlier of (i) September 17, 2022, which is 30 days from the adoption of this Resolution, or (ii) such time the Board of Commissioners adopts a subsequent resolution in accordance with Government Code section 54953(e)(3) to extend the time during which the legislative bodies of the Antelope Valley State Water Contractors Association may continue to teleconference without compliance with paragraph (3) of subdivision (b) of section 54953.

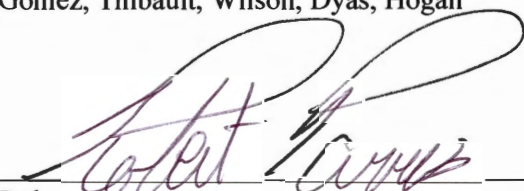
PASSED AND ADOPTED by the Board of Commissioners of the Antelope Valley State Water Contractors Association this 18th day of August, 2022, by the following vote:

AYES: Chair Parris, Commissioners Mac Laren-Gomez, Thibault, Wilson, Dyas, Hogan


NOES: None.

ABSENT: None.

ABSTAIN: None.


Robert Parris, Chair

ATTEST:



Don Wilson, Secretary

APPROVED AS TO FORM:



Aleshia & Wynder, LLP, General Counsel

RESOLUTION NO. 2022-4

RESOLUTION OF THE COMMISSIONERS OF THE ANTELOPE VALLEY STATE WATER CONTRACTORS ASSOCIATION AUTHORIZING COMPLETION AND SUBMISSION OF CALIFORNIA FAIR POLITICAL PRACTICES COMMISSION BIENNIAL NOTICE REGARDING THE CONFLICT OF INTEREST AND DISCLOSURE CODE FOR THE ANTELOPE VALLEY STATE WATER CONTRACTORS ASSOCIATION

WHEREAS, the Political Reform Act (“Act”), Government Code Section 81000, et seq., requires state and local government agencies to adopt and promulgate conflict of interest codes; and

WHEREAS, under the Act, the Antelope Valley State Water Contractors Association (“Association”) must biennially review the Association’s Conflict of Interest and Disclosure Code (“Code”) and internal organization to determine: (i) whether any position that has been added to the Association constitutes a designated position under the Code; or (ii) whether the duties of any existing position that is currently not a designated position have changed such that the position now constitutes a designated position under the Association’s Code; and

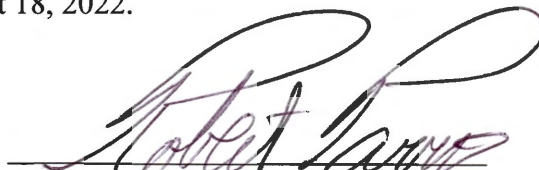
WHEREAS, the Association’s Code was last approved by the Fair Political Practices Commission effective February 19, 2019; and

WHEREAS, in its biennial review of its Code and internal organization, it was determined by the Association that there are no changes to the internal organization of the Association requiring amendment of the Code.

NOW, THEREFORE, BE IT RESOLVED, that the Commissioners of the Antelope Valley State Water Contractors Association do hereby find no revisions are necessary to their Conflict of Interest and Disclosure Code setting forth the disclosure categories and designated positions within the Association and their disclosure obligations as set forth on the attached Exhibit 1.

BE IT FURTHER RESOLVED, the General Manager, or their designee, is authorized to complete, execute, and submit the 2022 Biennial Notice to the Fair Political Practices Commission (FPPC) verifying that amendments to the Code are not required.

PASSED AND ADOPTED at a regular meeting of the Commissioners of the Antelope Valley State Water Contractors Association held on August 18, 2022.


Robert Paffis, President

ATTEST:



Don Wilson, Secretary

**CERTIFICATE OF THE SECRETARY OF THE
ANTELOPE VALLEY STATE WATER CONTRACTORS ASSOCIATION**

I, the undersigned, do hereby certify:

1. I am the duly elected and acting Secretary of the Antelope Valley State Water Contractors Association.

2. The foregoing Resolution promulgating the Conflict of Interest and Disclosure Code of the Antelope Valley State Water Contractors Association was adopted at a regular meeting of the Commissioners of the Antelope Valley State Water Contractors Association held on August 18, 2022.

IN WITNESS WHEREOF, I have executed the Certificate as Secretary of the Agency the 18th day of August, 2022.



Commissioner Secretary