



**SPECIAL  
BOARD OF DIRECTORS MEETING**

**February 3, 2022  
2:00 p.m.**

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**To join teleconference:**

Dial-in #: (669) 900 6833      Zoom Meeting ID: 813 5205 9101      Passcode: 380557

**To join video conference:**

Click on link: [Join Zoom Meeting](#)

Or copy URL: <https://us02web.zoom.us/j/81352059101?pwd=M01uOEVteVBCTnVyZ0tKVUxrb1hHdz09>

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# SPECIAL BOARD MEETING OF THE BOARD OF DIRECTORS CHINO BASIN DESALTER AUTHORITY

February 3, 2022 • 2:00 p.m.

## NOTICE AND AGENDA

*All documents available for public review are on file with the Authority's  
Secretary located at 3550 E. Philadelphia Street, Suite 170, Ontario, CA 91761*

According to the directives from the California Department of Public Health and Executive Order N-08-21 issued by Governor Gavin Newsom, members of the public are invited to participate via video or teleconference

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## CALL TO ORDER

## ROLL CALL

## PUBLIC COMMENT

*Members of the public may address the Board of Directors on any item that is within the jurisdiction of the Chino Basin Desalter Authority; however, no action may be taken on any item not appearing on the agenda unless the action is otherwise authorized by Subdivision (b) of Section 54954.2 of the Government Code.*

*Under the provisions of the Brown Act, the CDA Board is prohibited from taking action on non-agendized matters. However, Board Members may respond briefly or refer the communication to staff. The CDA Board may also request the Secretary to calendar an item related to your communication at a future CDA Board meeting.*

## ADDITIONS TO THE AGENDA

*In accordance with Section 54954.2 of the Government Code (Brown Act), additions to the agenda require two-thirds vote of the legislative body, or, if less than two-thirds of the members are present, a unanimous vote of those members present, that there is a need to take immediate action and that the need for action came to the attention of the local agency subsequent to the agenda being posted.*

## CONSENT CALENDAR ITEMS

*Consent Calendar items are expected to be routine and non-controversial to be acted upon by the Board at one time without discussion. If any Board member, staff member, or interested person requests that an item be removed from the Consent Calendar, it will be moved to the first item on the Action Items*

### **1. MINUTES OF JANUARY 13, 2022 SPECIAL BOARD MEETING**

**2. RESOLUTION 2021-10 PROCLAIMING A LOCAL EMERGENCY, RATIFYING THE PROCLAMATION OF A STATE OF EMERGENCY BY EXECUTIVE ORDERS N-25-20, N-29-20 AND N-35-20, AND AUTHORIZING REMOTE TELECONFERENCE MEETINGS FOR A THIRTY (30) DAY PERIOD PURSUANT TO BROWN ACT PROVISIONS**

**Staff Recommendation:**

1. Approve Resolution 2021-10, proclaiming a local emergency, ratifying the proclamation of a state of emergency by Executive Orders N-25-20, N-29-20 and N-35-20, and authorizing remote teleconference meetings for a thirty (30) day period pursuant to Brown Act provisions

**ACTION ITEMS**

*Prior to action of the CDA Board, any member of the public will have the opportunity to address the CDA Board on any item listed on the agenda.*

**3. COST OF LIVING ADJUSTMENT – CDA EMPLOYEES**  
Report by: Thomas O’Neill, CDA General Manager/CEO

**Staff Recommendation:**

1. Approve a Cost-of-Living Adjustment (COLA) of 5% for all CDA employees, effective Pay Period 1 of 2022; and
2. Consider the balance of the current Consumer Price Index increase of 8.1%, upon review of the 2023 COLA.

**4. CHINO AIRPORT PLUME PROJECT: AMENDMENT 2 TO HAZEN & SAWYER’S AGREEMENT FOR DESIGN OF CHINO I DESALTER VOC TREATMENT FACILITY**  
Report by: Thomas O’Neill, CDA General Manager/CEO

**Staff Recommendation:**

1. Approve an amendment to the professional services agreement with Hazen and Sawyer for engineering design services in the not-to-exceed amount of \$95,264; and
2. Authorize the General Manager/CEO to finalize and execute the amendment, with subsequent authorizations up to a not-to-exceed total of \$1,350,000.

**STAFF COMMENTS**

- i. Deputy CDA General Counsel, Allison Burns
- ii. CDA CFO/Treasurer, Michael Chung
- iii. CDA General Manager/CEO, Thomas O’Neill

**CLOSED SESSION**

*The Authority may adjourn to a Closed Session to consider litigation matters, personnel matters, or other matters as provided for in the Ralph M. Brown Act (Section 54950 et seq., of the Government Code).*

**5. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION:  
CONSIDERATION OF INITIATION OF LITIGATION PURSUANT TO GOVERNMENT  
CODE SECTION 54956.9(D)(4)  
(ONE POTENTIAL CASE)**

**6. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION:  
SIGNIFICANT EXPOSURE TO LITIGATION PURSUANT TO GOVERNMENT CODE  
SECTION 54956.9(D)(2)  
(ONE POTENTIAL CASE)**

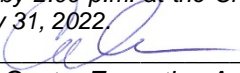
**DIRECTOR COMMENTS**

**ADJOURN**

***Declaration of Posting***

Any person with a disability who requires accommodations in order to participate in this meeting or for package materials in an alternative format should telephone Executive Assistant Casey Costa at (909) 218-3730, at least 48 hours prior to the meeting in order to make a request for a disability-related modification or accommodation. All accommodation requests will be handled swiftly and resolving all doubts in favor of access. Copies of records provided to Board Members which relate to any agenda item to be discussed in open session may be obtained from Chino Basin Desalter Authority at 3550 Philadelphia Street, Suite 170, Ontario, CA 91761.

*I, Casey Costa, Executive Assistant to the Chino Basin Desalter Authority, hereby certify that a copy of this agenda has been posted by 2:00 p.m. at the Chino Basin Desalter Authority's main office, 3550 Philadelphia Street, Suite 170, Ontario, CA on January 31, 2022.*

  
\_\_\_\_\_  
*Casey Costa, Executive Assistant*



# **Board of Directors Meeting**

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## **Agenda Item**

**No. 1**

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**SPECIAL BOARD MEETING OF THE BOARD OF DIRECTORS  
CHINO BASIN DESALTER AUTHORITY  
MINUTES**

**January 13, 2022 • 2:00 p.m.**

A Special Meeting of the Board of Directors of the Chino Basin Desalter Authority was held via teleconference and videoconference on the above date. The meeting was called to order at 2:00 p.m. by Chair Bowman.

**Directors Present:**

Jim Bowman, City of Ontario –Chair  
Frank Abacherli, Santa Ana River Water Company  
Peter Rogers, City of Chino Hills  
Marco Tule, Inland Empire Utilities Agency  
Ken McLaughlin, Jurupa Community Services District  
Greg Newton, City of Norco  
Gracie Torres, Western Municipal Water District

**Directors Absent:**

Eunice Ulloa, City of Chino

**Others Present:**

Thomas O'Neill, CDA General Manager/CEO  
Michael Chung, CDA CFO/Treasurer  
Jose Garcia, CDA Principal Accountant  
Casey Costa, CDA Executive Assistant/Board Secretary  
Allison Burns, CDA Deputy General Counsel  
Dave Crosley, City of Chino  
Chris Bonadurer, City of Ontario  
Chris Waggener, Inland Empire Utilities Agency  
Daniel Cardenas, Jurupa Community Services District  
Derek Kawaii, Western Municipal Water District  
Mary Hambel, Hazen and Sawyer  
Kevin Sage, Integrated Resources Management/SB County Airports

**PUBLIC COMMENT ON NON-AGENDA ITEMS**

There were no public comments.

**CONSENT CALENDAR ITEMS**

- 1. MINUTES OF DECEMBER 2, 2021 SPECIAL BOARD MEETING**

**2. RESOLUTION 2021-09 PROCLAIMING A LOCAL EMERGENCY, RATIFYING THE PROCLAMATION OF A STATE OF EMERGENCY BY EXECUTIVE ORDERS N-25-20, N-29-20 AND N-35-20, AND AUTHORIZING REMOTE TELECONFERENCE MEETINGS FOR A THIRTY (30) DAY PERIOD PURSUANT TO BROWN ACT PROVISIONS**

**Staff Recommendation:**

Approve Resolution 2021-09, proclaiming a local emergency, ratifying the proclamation of a state of emergency by Executive Orders N-25-20, N-29-20 and N-35-20, and authorizing remote teleconference meetings for a thirty (30) day period pursuant to Brown Act provisions.

**3. TREASURER'S FINANCIAL AFFAIRS REPORT**

Report by: Jose Garcia, CDA Principal Accountant

**4. TREASURER'S REPORT ON GENERAL DISBURSEMENTS**

Report by: Jose Garcia, CDA Principal Accountant

**5. BUDGET VARIANCE REPORT**

Report by: Jose Garcia, CDA Principal Accountant

**6. INVESTMENT REPORT**

Report by: Jose Garcia, CDA Principal Accountant

***Motion:*** It was moved by Director Rogers/City of Chino Hills and seconded by Director McLaughlin/Jurupa Community Services District to approve Consent Items 1 through 6.

***Motion carried:***

***Ayes:*** Peter Rogers, City of Chino Hills  
Greg Newton, City of Norco  
Jim Bowman, City of Ontario  
Ken McLaughlin, Jurupa Community Services District  
Gracie Torres, Western Municipal Water District

***Noes:*** None

***Abstain:*** None

***Absent:*** Eunice Ulloa, City of Chino  
Frank Abacherli, Santa Ana River Water Company (Alternate)

**ACTION ITEMS**

**7. AMENDMENT NO. 1 TO AGREEMENT WITH TE ROBERTS, INC. FOR ENVIRONMENTAL CLEANUP SERVICES AND SOLIDS HANDLING SUPPORT**

Report by: Thomas O'Neill, CDA General Manager/CEO

**Staff Recommendation:**

1. Approve Amendment No. 1 to the Maintenance Services Agreement with TE Roberts, Inc. for Environmental Cleanup Services and Solids Handling Support in the not-to-exceed amount of \$50,000.

2. Authorize the General Manager/CEO to finalize and execute the amendment and approve authorized expenditures up to a new not-to-exceed total of \$100,000.

General Manager O'Neill reviewed the recommendation to approve Amendment No. 1 to the Maintenance Services Agreement with TE Roberts, Inc. for Environmental Cleanup Services and Solids Handling Support in the not-to-exceed amount of \$50,000.

CDA entered into a Maintenance Service Agreement with TE Roberts, Inc. to vacuum and dispose of pellets generated by the Concentrate Reduction Pellet Reactor during maintenance periods. TE Roberts' trucks eliminate the need to dewater onsite and transport the load directly to the landfill, resulting in the most efficient and cost-effective process.

The hourly rate charged by TE Roberts is \$276.94/hour for a high capacity vactor with (1) Operator, without additional charges for travel time, plus actual landfill costs plus 10%. In fiscal year 2021/22, landfill costs alone have consumed 40% of the contract amount. In anticipation of the winter shutdown of the Concentrate Reduction Facility for preventative maintenance and to allow for potential or unexpected expenditures, staff recommends that the agreement be amended for an additional not-to-exceed amount of \$50,000 for a new not-to-exceed total of \$100,000. There were no questions or comments.

***Motion:*** *It was moved by Director Newton/City of Norco and seconded by Director Rogers/City of Chino to approve Action Item 7.*

***Motion carried:***

***Ayes:*** Peter Rogers, City of Chino Hills  
Greg Newton, City of Norco  
Jim Bowman, City of Ontario  
Ken McLaughlin, Jurupa Community Services District  
Gracie Torres, Western Municipal Water District

***Noes:*** None

***Abstain:*** None

***Absent:*** Eunice Ulloa, City of Chino  
Frank Abacherli, Santa Ana River Water Company (Alternate)

**8. CONTRACTOR SELECTION FOR ON-CALL GENERAL CONTRACTOR SERVICES FOR EMERGENCY CONSTRUCTION AND BUDGETED CAPITAL IMPROVEMENTS PROJECTS**

Report by: Thomas O'Neill, CDA General Manager/CEO

**Staff Recommendation:**

1. Approve selection of five Contractors, SRK Engineering, Ferreira Coastal Construction Company, TE Roberts, Metro Builders and Engineers Group, and Schuler Constructors, for On-Call General Contractor Services for Capital Improvement Projects; and



2. Authorize the General Manager/CEO to utilize the On-Call list to solicit bids for Emergency Repairs and for Budgeted CIP Construction Contracts for Fiscal Years 2021/22 through 2023/24 (three fiscal years).

General Manager O'Neill reviewed the recommendation to approve selection of five Contractors, SRK Engineering, Ferreira Coastal Construction Company, TE Roberts, Metro Builders and Engineers Group, and Schuler Constructors, for on-call general contractor services for capital improvement projects and emergency repairs and authorize the General Manager/CEO to utilize the On-Call list to solicit bids for emergency repairs and budgeted CIP construction contracts for Fiscal Years 2021/22 through 2023/24.

On November 3, 2021, CDA posted a Request for Qualifications from qualified construction firms for on-call general contractor services and 29 vendors registered on Planet Bids as prospective bidders. Statements of Qualifications (SOQ) were due on December 2, 2021 and ten SOQs were received.

The SOQs were reviewed for compliance with the requirements of the RFQ and rated based upon ability and readiness to do the work, relevant project experience including on-call construction services, and project team. There were no questions or comments.

**Motion:** *It was moved by Director McLaughlin/Jurupa Community Services District and seconded by Director Newton/City of Norco to approve Action Item 8.*

***Motion carried:***

**Ayes:** Peter Rogers, City of Chino Hills  
Greg Newton, City of Norco  
Jim Bowman, City of Ontario  
Ken McLaughlin, Jurupa Community Services District  
Gracie Torres, Western Municipal Water District

**Noes:** None

**Abstain:** None

**Absent:** Eunice Ulloa, City of Chino  
Frank Abacherli, Santa Ana River Water Company (Alternate)

**9. APPROVAL OF ANNUAL FINANCIAL REPORT FOR THE FISCAL YEAR 2020/21**

Report by: Jose Garcia, CDA Principal Accountant

**Staff Recommendation:**

1. Approve the Annual Comprehensive Financial Report (ACFR) for the Fiscal Year ended June 30, 2021, as presented, and direct staff to make distribution, as appropriate, to the various federal, state and local agencies, financial institutions, bond rating agencies and other interested parties.

Principal Accountant Garcia presented a review of the Annual Comprehensive Financial Report to the Finance Committee Members.

At this time, Alternate Director Abacherli, Santa Ana River Water Company, was administered the Oath of Office.

***Motion:*** *It was moved by Director Rogers/City of Chino and seconded by Director Newton/City of Norco to approve Action Item 9.*

***Motion carried:***

***Ayes:*** Peter Rogers, City of Chino Hills  
Greg Newton, City of Norco  
Jim Bowman, City of Ontario  
Ken McLaughlin, Jurupa Community Services District  
Frank Abacherli, Santa Ana River Water Company (Alternate)  
Gracie Torres, Western Municipal Water District

***Noes:*** None

***Abstain:*** None

***Absent:*** Eunice Ulloa, City of Chino

**INFORMATION ITEMS**

**10. QUARTERLY SOUTH ARCHIBALD PLUME REPORT**

Report By: Mary Hambel, Hazen and Sawyer

Mary Hambel presented the final quarterly South Archibald Plume Update, reporting that the project is complete. The final reconciled costs were \$30.1 million and RP-1 parties reconciled costs were \$25.7 million. Remaining grant funding will be applied to future monitoring wells requested by RWQCB.

**11. QUARTERLY OPERATIONS REPORT**

Report By: Thomas O'Neill, CDA General Manager/CEO

General Manager O'Neill reported that, as of November 2021, water deliveries were 107.8% of entitlement. He reported on product water production for Chino I and Chino II and raw water and product water nitrate and TDS levels. He reported that Well I-14 is out of service for rehabilitation and Wells I-1, I-2, I-3 and I-17 remain offline due to high levels of 1,2,3-TCP.

**STAFF COMMENTS**

- i. Deputy CDA General Counsel, Allison Burns had no comments.
- ii. CDA CFO/Treasurer, Michael Chung had no comments.
- iii. CDA General Manager/CEO, Thomas O'Neill reported that the Concentrate Reduction Facility will be taken offline on January 24, 2022 for six weeks, due to scheduled annual maintenance.

**DIRECTOR COMMENTS**

There were no comments.

**CLOSED SESSION**

*The Authority may adjourn to a Closed Session to consider litigation matters, personnel matters, or other matters as provided for in the Ralph M. Brown Act (Section 54950 et seq., of the Government Code).*

- 12. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION:  
CONSIDERATION OF INITIATION OF LITIGATION PURSUANT TO GOVERNMENT  
CODE SECTION 54956.9(D)(4)  
(ONE POTENTIAL CASE)**
- 13. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION:  
SIGNIFICANT EXPOSURE TO LITIGATION PURSUANT TO GOVERNMENT CODE  
SECTION 54956.9(D)(2)  
(ONE POTENTIAL CASE)**

The Board of Directors did not enter into Closed Session.

**ADJOURN**

The meeting was adjourned at 2:46 p.m.

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Secretary of the Board of Directors



# **Board of Directors Meeting**

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**Agenda Item**

**No. 2**

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**SUBJECT: RESOLUTION 2021-10 PROCLAIMING A LOCAL EMERGENCY, RATIFYING THE PROCLAMATION OF A STATE OF EMERGENCY BY EXECUTIVE ORDERS N-25-20, N-29-20 AND N-35-20, AND AUTHORIZING REMOTE TELECONFERENCE MEETINGS FOR A THIRTY (30) DAY PERIOD PURSUANT TO BROWN ACT PROVISIONS**

**RECOMMENDATION:**

Staff recommends that the Board:

1. Approve Resolution 2021-10, proclaiming a local emergency, ratifying the proclamation of a state of emergency by Executive Orders N-25-20, N-29-20 and N-35-20, and authorizing remote teleconference meetings for a thirty (30) day period pursuant to Brown Act provisions

**BACKGROUND:**

On September 16, 2021, Governor Newsom signed Assembly Bill (“AB”) 361 into law. AB 361 is urgency legislation amending the Brown Act to allow legislative bodies of local agencies to meet remotely with relaxed teleconferencing requirements during declared emergencies under certain conditions.

AB 361 adds new procedures and clarifies the requirements for conducting remote meetings, including the following:

**Public Comment Opportunities in Real Time:** A legislative body that meets remotely pursuant to AB 361 must allow members of the public to access the meeting via a call-in option or an internet-based service option, and the agenda for the remote meeting must provide an opportunity for members of the public to directly address the body in real time. A legislative body cannot require public comments to be submitted in advance of the meeting.

**No Action During Disruptions:** In the event of a disruption that prevents the local agency from broadcasting the remote meeting, or in the event of a disruption within the local agency’s control that prevents members of the public from offering public comments using the call-in option or internet-based service option, AB 361 prohibits the legislative body from taking any further action on items appearing on the meeting agenda until public access to the meeting via the call-in or internet-based options is restored.

**Periodic Findings:** To continue meeting remotely pursuant to AB 361, a legislative body must make periodic findings concerning the declared emergency and its effects. AB 361 will sunset on January 1, 2024.

**Prepared by:** Allison Burns, CDA Deputy General Counsel

Page 1 of 2

**Board of Directors:**     Approved         Continued         Denied

**CDA GM/CEO Acknowledgement:** \_\_\_\_\_ **Date:** \_\_\_\_\_

The proposed resolution would make the findings required by AB 361 in order to allow CDA to continue to make remote attendance available to its board members and the public if and to the extent needed.

**IMPACT ON BUDGET:**

This agreement will not have an impact on the budget.

**ATTACHMENT:**

1. Resolution 2021-10 Proclaiming a Local Emergency, Ratifying the Proclamation of a State of Emergency by Executive Orders N-25-20, N-29-20 and N-35-20, and Authorizing Remote Teleconference Meetings for a Thirty (30) Day Period Pursuant to Brown Act Provisions.

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**Prepared by:** Allison E. Burns, CDA Deputy General Counsel

Page 2 of 2

**Board of Directors:**     Approved         Continued         Denied

**CDA GM/CEO Acknowledgement:** \_\_\_\_\_ **Date:** \_\_\_\_\_

## **RESOLUTION NO. 2021-10**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE CHINO BASIN DESALTER AUTHORITY PROCLAIMING A LOCAL EMERGENCY, RATIFYING THE PROCLAMATION OF A STATE OF EMERGENCY BY EXECUTIVE ORDERS N-25-20, N-29-20 AND N-35-20, AND AUTHORIZING REMOTE TELECONFERENCE MEETINGS OF THE BOARD OF DIRECTORS, FINANCE COMMITTEE AND TECHNICAL ADVISORY COMMITTEE OF CHINO BASIN DESALTER AUTHORITY FOR A THIRTY (30) DAY PERIOD PURSUANT TO BROWN ACT PROVISIONS.**

**WHEREAS**, Chino Basin Desalter Authority (“CDA”) is committed to preserving and nurturing public access and participation in meetings of the Board of Directors, Finance Committee and Technical Advisory Committee (collectively, the “Legislative Bodies”); and

**WHEREAS**, all meetings of the 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 the 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 CDA’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 CDA’s jurisdiction, specifically, the Governor of California issued a series of Executive Orders aimed at containing the novel coronavirus; and

**WHEREAS**, the State of California and Counties of Riverside and San Bernardino recommend social distancing due to the coronavirus; and

**WHEREAS**, the Board of Directors does hereby find that the threat of the coronavirus has caused, and will continue to cause, conditions of peril to the safety of persons within CDA that are likely to be beyond the control of services, personnel, equipment, and facilities of the CDA, 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 Chino Basin Desalter Authority 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; and

**WHEREAS**, CDA will post an agenda (72 hours in advance of a regular Board meeting and 24 hours in advance of a Special Board meeting) on CDA's website at chinodesalter.org which will contain information on how the public can participate in the meeting and provide Public Comments.

**NOW, THEREFORE, THE BOARD OF DIRECTORS OF CHINO BASIN DESALTER AUTHORITY 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. Proclamation of Local Emergency. The Board hereby proclaims that a local emergency now exists throughout CDA's jurisdiction, and social distancing is recommended by the State of California and Counties of Riverside and San Bernardino.

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 State of Emergency, effective as of its issuance date of February 3, 2022.

Section 4. Remote Teleconference Meetings. The General Manager and Legislative Bodies of Chino Basin Desalter Authority 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) March 3, 2022, or 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 Chino Basin Desalter Authority may continue to teleconference without compliance with paragraph (3) of subdivision (b) of section 54953.

**PASSED AND ADOPTED** by the Board of Directors of Chino Basin Desalter Authority this 3rd day of February 2022.

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President

ATTEST:

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Secretary





# **Board of Directors Meeting**

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**Agenda Item**

**No. 3**

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**SUBJECT: COST OF LIVING ADJUSTMENT – CDA EMPLOYEES**

**RECOMMENDATION:**

Staff recommends that the Board:

1. Approve a Cost-of-Living Adjustment (COLA) of 5% for CDA employees, effective Pay Period 1 of 2022.
2. Consider the balance of the current Consumer Price Index increase of 8.1%, upon review of the 2023 COLA.

**BACKGROUND:**

The purpose of a Cost-of-Living Adjustment (COLA) is to keep employee salaries competitive to attract and retain qualified employees. As of 2017, the Board approved COLA's commensurate with the percentage change to the Consumer Price Index (CPI), Riverside-San Bernardino-Ontario area issued by the Bureau of Labor Statistics (BLS) for the proceeding twelve (12) months ending in November.

The CPI increase issued by the BLS from November 2020 to November 2021 area was 8.1%. Staff's recommendation is to approve a COLA of 5% for all CDA employees, effective Pay Period 1. To keep pace with the current rising inflation, the remaining 3.1% shortfall will be considered when reviewing the COLA next year, based on the CPI changes from November 2021 to November 2022.

This item, with the recommendation to approve a COLA of 5% for CDA employees, with the exception of the General Manager/CEO. was reviewed by the Technical Advisory Committee (TAC) on 1/11/2022 and the Finance Committee on 1/27/2022. Following discussion, the Finance Committee unanimously voted to amend the recommendation to include the General Manager/CEO in the COLA.

**IMPACT ON BUDGET:**

The total increase of labor cost for 2022 is approximately \$25,960. The adopted FY 2021/22 budget includes \$12,980 for the last six months of FY 2021/22.

Attachment: Bureau of Labor Statistics Report

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**Prepared by:** Michael Chung, CFO/Treasurer

Page 1 of 1

**Board of Directors:**     Approved         Continued         Denied

**CDA GM/CEO Acknowledgement:** \_\_\_\_\_ **Date:** \_\_\_\_\_

Riverside-San Bernardino-Ontario, CA Economy at a Glance:

Data Series	Back Data	June 2021	July 2021	Aug 2021	Sept 2021	Oct 2021	Nov 2021
<b>Labor Force Data</b>							
Civilian Labor Force <sup>(1)</sup>		2,094.6	2,108.9	2,090.7	2,097.4	2,113.7	📄 2,124.3
Employment <sup>(1)</sup>		1,926.9	1,942.1	1,931.1	1,958.8	1,980.5	📄 2,008.8
Unemployment <sup>(1)</sup>		167.7	166.8	159.6	138.6	133.2	📄 115.5
Unemployment Rate <sup>(2)</sup>		8.0	7.9	7.6	6.6	6.3	📄 5.4
<b>Nonfarm Wage and Salary Employment</b>							
Total Nonfarm <sup>(3)</sup>		1,531.2	1,519.3	1,524.4	1,534.9	1,561.7	📄 1,577.4
12-month % change		5.5	5.6	4.5	4.2	3.9	📄 4.1
Mining and Logging <sup>(3)</sup>		1.3	1.3	1.3	1.3	1.3	📄 1.3
12-month % change		0.0	0.0	0.0	0.0	0.0	📄 0.0
Construction <sup>(3)</sup>		110.5	109.0	108.0	109.6	111.5	📄 109.0
12-month % change		5.8	4.9	2.4	4.5	3.9	📄 1.0
Manufacturing <sup>(3)</sup>		91.8	91.2	91.1	91.8	93.1	📄 93.6
12-month % change		-3.4	-2.3	-1.7	-0.8	1.9	📄 1.3
Trade, Transportation, and Utilities <sup>(3)</sup>		426.5	430.8	430.9	436.8	443.0	📄 455.6
12-month % change		9.0	9.1	5.9	5.7	4.9	📄 4.4
Information <sup>(3)</sup>		9.0	9.2	9.1	9.2	9.3	📄 9.3
12-month % change		3.4	5.7	5.8	7.0	6.9	📄 6.9
Financial Activities <sup>(3)</sup>		42.4	42.2	42.5	42.3	43.1	📄 43.3
12-month % change		-1.4	-2.8	-2.1	-2.1	0.9	📄 2.4
Professional and Business Services <sup>(3)</sup>		160.6	158.8	159.3	159.0	161.3	📄 161.1
12-month % change		7.8	5.7	4.9	3.8	3.3	📄 2.6
Education and Health Services <sup>(3)</sup>		260.0	259.6	259.6	259.4	262.6	📄 263.1
12-month % change		7.3	6.7	5.8	5.0	4.2	📄 4.9
Leisure and Hospitality <sup>(3)</sup>		148.8	148.5	148.7	148.0	150.6	📄 151.7
12-month % change		8.3	14.0	15.8	12.7	10.5	📄 12.6
Other Services <sup>(3)</sup>		40.8	41.0	42.1	43.8	43.8	📄 44.5
12-month % change		6.8	3.0	16.0	15.9	12.9	📄 15.6
Government <sup>(3)</sup>		241.5	227.7	231.8	233.7	242.1	📄 244.9
12-month % change		-0.7	-0.6	-2.9	-2.6	-1.4	📄 -0.2
<b>Consumer Price Index: Riverside-San Bernardino-Ontario, CA</b>							
CPI-U, All items <sup>(4)</sup>			114.682		115.657		117.206
CPI-U, All items, 12-month % change <sup>(4)</sup>			6.5		6.8		7.9
CPI-W, All items <sup>(5)</sup>			115.129		116.254		117.840
CPI-W, All items, 12-month % change <sup>(5)</sup>			6.5		7.0		8.1

**Footnotes**

- (1) Number of persons, in thousands, not seasonally adjusted.
- (2) In percent, not seasonally adjusted.
- (3) Number of jobs, in thousands, not seasonally adjusted. See [About the data](#).
- (4) All Urban Consumers, base: December 2017=100, not seasonally adjusted.
- (5) Urban Wage Earners and Clerical Workers, base: December 2017=100, not seasonally adjusted.
- (P) Preliminary



# **Board of Directors Meeting**

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**Agenda Item**

**No. 4**

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**SUBJECT: CHINO AIRPORT PLUME PROJECT: AMENDMENT 2 TO HAZEN & SAWYER'S AGREEMENT FOR DESIGN OF CHINO I DESALTER VOC TREATMENT FACILITY**

**RECOMMENDATION:**

Staff recommends that the Board:

1. Approve an amendment to the professional services agreement with Hazen and Sawyer for engineering design services in the not-to-exceed amount of \$95,264; and
2. Authorize the General Manager/CEO to finalize and execute the amendment, with subsequent authorizations up to a not-to-exceed total of \$1,350,000.

**BACKGROUND:**

The Board authorized an agreement with Hazen and Sawyer in January 2020 in the amount of \$993,372 for design of the Chino I Desalter VOC Treatment Facility. In July 2020, the Board approved Amendment No. 1 in the amount of \$138,368 with an associated authorization limit of \$1,244,914 for the General Manager/CEO. Amendment No. 1 covered design updates related to changes in the County extraction wells flow rates, and additional coordination effort related to the 97-005 permitting process including extended source and data gap analysis for water quality characterization and enhanced modeling in cooperation with Chino Basin Watermaster to meet DDW requirements.

The project design has been completed and advertised for bid, and the project is currently in construction by Pacific Hydrotech. The 97-005 process has also proceeded during this time and Hazen's subconsultant, Avocet, is ready to proceed with the final steps of the process based on coordination thus far with DDW.

Amendment No. 2 is requested to cover the following items necessary for the completion of construction and permitting:

- Additional budget for the completion of the last step of the Policy Memo 97-005 report, including response to the team comments, submittal to DDW for review and comments, addressing and incorporating DDW's comments, virtual meeting with DDW, and finalizing the report.
- Budget for additional submittals. The original budget assumed 50 submittals. Hazen was able to review 80 submittals under this assumed budget; however, the current number of submittals received is 141 (including resubmittals) and estimated to reach 150 total. Hazen is requesting budget to cover 70 additional submittals.
- Budget for additional RFIs. The original budget assumed 30 submittals. It is estimated that a total of 60 RFIs will be required. Hazen is requesting budget to cover 30 additional RFIs.

**Prepared by:** Thomas O'Neill, CDA General Manager/CEO

**Board of Directors:**     Approved         Continued         Denied

**CDA GM/CEO Acknowledgement:** \_\_\_\_\_ **Date:** \_\_\_\_\_

The total amount of Amendment No. 2 is \$95,264, for a total contract amount of \$1,227,004 and recommended authorization limit of \$1,350,000 for the General Manager/CEO. The additional amount of \$95,264 is shared between CDA and the County of San Bernardino. The County has approved their portion of \$50,132; the CDA's portion is \$45,132.

This agenda item was reviewed/approved by the Technical Advisory Committee on January 25, 2022, and the Finance Committee on January 27, 2022.

**IMPACT ON BUDGET:**

The project cost will be shared by the County and CDA in accordance with the agreement.

**ATTACHMENTS:** Hazen and Sawyer Proposal

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**Prepared by:** Thomas O'Neill, CDA General Manager/CEO

Page 2 of 2

**Board of Directors:**     Approved         Continued         Denied

**CDA GM/CEO Acknowledgement:** \_\_\_\_\_ **Date:** \_\_\_\_\_



Hazen and Sawyer  
7700 Irvine Center Drive, Suite 200  
Irvine, CA 92618

January 14, 2022

Mr. Tom O'Neill, General Manager/CEO  
**Chino Basin Desalter Authority (CDA)**  
2151 S. Haven Avenue, Suite 202  
Ontario, CA 91761

**Subject:** Chino I Desalter VOC Treatment Project – Amendment No. 2

Dear Tom:

Hazen and Sawyer (Hazen) is pleased to submit Amendment No. 2 for review of additional submittals and response to additional RFIs for the CDA's Chino I Desalter VOC Treatment Facilities Project.

Should you have any questions or comments with regards to the Additional Scope of Services or attached fee estimate, please feel free to contact me at (714) 814-4909 or [cmiller@hazenandsawyer.com](mailto:cmiller@hazenandsawyer.com).

Sincerely,

Cindy Miller, PE  
Vice President

Attachments:

- Exhibit A – Scope of Services
- Exhibit B - Compensation

**EXHIBIT A**  
**AMENDMENT NO. 2 – ADDITIONAL SCOPE OF SERVICES**  
**FOR**  
**CHINO I DESALTER VOCT TREATMENT FACILITIES PROJECT**

This additional scope of services includes the following tasks for the engineering services during construction of the project. Services to be provided in this work are described below:

**Additional Scope for Task 10 – Permitting**

**Sub-Task 10.2 – Policy Memo 97-005 Assistance**

Hazen's subconsultant, AVOCET, has requested additional budget for the completion of the last step of the Policy Memo 97-005 report, including response to the team comments, submittal to DDW for review and comments, addressing and incorporating DDW's comments, virtual meeting with DDW, and finalizing the report.

**Additional Scope for Task 12 – Services During Construction**

**Sub-Task 12.1 – Review Shop Drawing Submittals**

Hazen had budgeted for review of 50 submittals. Based on Hazen/Contractor projection, the project will have total of estimated 150 submittals for review and approval. As of December 7, 2021, Hazen has received total of 105 submittals and 36 resubmittals for review (excluding submittals for the off-site work by TetraTech). Hazen has been efficient reviewing these submittals and has completed review of 80 submittals within the existing budget. Hazen will review an additional 70 for the support of the project in accordance with the estimated fee in the attached fee schedule. Therefore, Hazen will require additional budget for review of these additional submittals for the support of the project.

**Sub-Task 12.2 – Response to RFIs**

Hazen had budgeted for response to total of 30 RFIs. As of December 7, 2021, Hazen has received total of 30 RFIs (excluding the RFIs for the off-site work by TetraTech). Hazen will anticipate receiving total of 60 RFIs. Hazen will provide the response to total of 30 additional RFIs beyond the scope of 30 RFIs for the support of the project in accordance with the estimated fee in the attached fee schedule. Hazen has completed review and provided the response to the received 30 RFIs in an efficient manner and within the current budget. Hazen will continue to efficiently review the estimated additional 30 RFIs for the support of the project.






Mr. Tom O'Neill  
Amendment No. 2  
Exhibit B - Compensation  
January 14, 2022

**EXHIBIT B**  
**COMPENSATION**

The total fee for the services described in the above scope of work (Exhibit A) is **\$95,264.00** in accordance with the assigned hours and associated rates as shown on the attached Fee Estimate.

**Fee Schedule**  
 Chino Basin Desalter Authority  
 Chino I Desalter VOC Treatment Facilities Project  
 Amendment No. 2

	Hazen and Sawyer											Subconsultants		GRAND TOTAL	CDA PORTION	COUNTY PORTION		
	Project Director	Project Engineer	Process/Mech. Engineer	Electrical Manager	Electrical Engineer	I&C Manager	I&C Engineer	Structural Engineer	Site Civil Engineer			Policy Memo 97-005						
	CM	AR	MH	CT	DL	CT	AM	WD	TY			Avocet Environmental						
	\$298	\$210	\$160	\$245	\$198	\$245	\$198	\$175	\$235									
<b>Task 10 - Permitting</b>																		
10.2 Policy Memo 97-005 Assistance										0	\$0	\$0	\$0	\$5,000	\$5,000	\$0	\$5,000	
<b>TASK 10 TOTALS</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>		<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>		<b>-</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$5,000</b>	<b>\$5,000</b>	<b>\$0</b>	<b>\$5,000</b>
<b>Task 12 - Services During Construction</b>																		
12.1 Review Additional Shop Drawings (70)	4	92	40	16	40	24	40	32	32	320	\$65,672	\$0	\$65,672	\$-	\$65,672	\$32,836	\$32,836	
12.2 Respond to Additional RFIs (30)	2	22	16	8	16	8	16	16	16	120	\$24,592	\$0	\$24,592	\$-	\$24,592	\$12,296	\$12,296	
<b>TASK 10 and 12 TOTALS</b>	<b>6</b>	<b>114</b>	<b>56</b>	<b>24</b>	<b>56</b>	<b>32</b>	<b>56</b>	<b>48</b>	<b>48</b>	<b>440</b>	<b>\$90,264</b>	<b>\$0</b>	<b>\$90,264</b>	<b>\$0</b>	<b>\$95,264</b>	<b>\$45,132</b>	<b>\$50,132</b>	