



**SPECIAL
BOARD OF DIRECTORS MEETING**

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

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>

Or go to <https://zoom.us/> Zoom Meeting ID: 813 5205 9101 Passcode: 380557

SPECIAL BOARD MEETING OF THE BOARD OF DIRECTORS

CHINO BASIN DESALTER AUTHORITY

March 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 FEBRUARY 3, 2022 SPECIAL BOARD MEETING

2. RESOLUTION 2021-11 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 2021-11, 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 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).

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

**4. 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 February 27, 2022.

Casey Costa, Executive Assistant



Board of Directors Meeting

Agenda Item

No. 1

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

February 3, 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
Vicki Rupe, Santa Ana River Water Company – Vice Chair
Eunice Ulloa, City of Chino
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:

None

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
Chris Bonadurer, City of Ontario
Todd Minten, Santa Ana River Water Company
Mike Gardner, Western Municipal Water District
Cindy Miller, Hazen and Sawyer

PUBLIC COMMENT ON NON-AGENDA ITEMS

There were no public comments.

CONSENT CALENDAR 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:

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

Motion: *It was moved by Director Ulloa/City of Chino and seconded by Director Rogers/City of Chino Hills to approve Consent Items 1 and 2.*

Motion carried:

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

Noes: None

Abstain: None

Absent: None

ACTION ITEMS

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.

General Manager O'Neill reviewed the recommendation to approve a 5% COLA for CDA employees. The November 2020 to November 2021 Consumer Price Index for the area was 8.1%. To keep pace with rising inflation, staff recommends that the remaining 3.1% shortfall be considered upon review of the COLA next year. Director Ulloa/City of Chino commented that the staff recommendation for consideration at the Finance Committee

included all CDA employees except for the General Manager/CEO. Upon the suggestion of Director Ulloa/Chino, Finance Committee Members voted to approve an amended recommendation to the Board to include the General Manager/CEO in the COLA to keep pace with rising inflation. There were no further comments or questions.

Motion: *It was moved by Director Ulloa/City of Chino and seconded by Director Rogers/City of Chino Hills to approve Action Item 3.*

Motion carried:

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

Noes: None

Abstain: None

Absent: None

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.

General Manager O'Neill reviewed the recommendation to the Board to 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 authorize the General Manager/CEO to finalize and execute the amendment, with authorizations up to a not-to-exceed total of \$1,350,000. Amendment 2 is requested to cover expenses for completion of the last step of the Policy Memo 97-005 report, and expenses for additional submittals and RFI's. The additional amount is a shared cost between the County of San Bernadino (\$50,132), and CDA (\$45,132). There were no questions or comments.

Motion: *It was moved by Director Rogers/City of Chino Hills and seconded by Director McLaughlin/Jurupa Community Services District to approve Action Item 4.*

Motion carried:

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

Noes: None

Abstain: None

Absent: None

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 is out of service for planned winter maintenance. The Chino I GAC project is underway; preparations are being made to pour the concrete pad for the vessels.

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)**

The Board of Directors did not enter into Closed Session.

DIRECTOR COMMENTS

Director Ulloa/Chino commented that discussion will take place at a future Finance Committee meeting regarding costs of upcoming major projects and replacement of infrastructure.

ADJOURN

The meeting was adjourned at 2:16 p.m.

Secretary of the Board of Directors



SUBJECT: RESOLUTION 2021-11 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 2021-11, 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

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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 2021-11 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.

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

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Board of Directors: Approved Continued Denied

CDA GM/CEO Acknowledgement: _____ **Date:** _____



Board of Directors Meeting

Agenda Item

No. 2

RESOLUTION NO. 2021-11

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 March 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) April 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 March 2022.

President

ATTEST:

Secretary