



San Gabriel Basin Water Quality Authority

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AGENDA SUBMITTAL

To: Administrative/Finance Committee
From: Randy Schoellerman, Executive Director
Date: December 13, 2022
Subject: **WQA Teleconferencing Policy**

Summary

On September 13, 2022, the Governor signed Assembly Bill 2449 into law. Effective January 1, 2023, AB 2449 effectively creates four periods with differing options for remote access to, and member attendance of, local agency public meetings under the Ralph M. Brown Act. At the Admin/Finance Committee in November committee members asked for staff to develop a teleconferencing policy for WQA meetings.

Recommendation/Proposed Action

Discuss draft teleconferencing policy for consideration.

Attachment

Draft Policy

PROCEDURE NO. 43

TELECONFERENCING POLICY

I. Purpose of Policy.

This policy affirms the San Gabriel Basin Water Quality Authority's ("Authority") acknowledgment of the requirements and restrictions set forth under the Ralph M. Brown Act (Government Code Section 54950 *et seq.*) ("Brown Act") that permit members of legislative bodies to participate remotely (via teleconference) for meetings of such bodies. The policy is also intended to expand upon updated requirements and restrictions established by the passage of California State Assembly Bill No. 2449 ("AB 2499")¹ which creates time three periods with differing options for remote access to, and member attendance of, local agency public meetings under the Brown Act.

From January 1, 2023 to January 1, 2024, public agencies may conduct meetings in which one or more legislative body members participate remotely (via teleconference) by following any one of the three following procedural schemes:

- **Traditional teleconferencing rules and procedures** set forth under subdivision (b) of Government Code Section 54953 which require, among other things, that: (i) at least of quorum of a legislative body must participate from within the boundaries of the public agency; (ii) members participating remotely must be at a location that is open and accessible to the general public; and (iii) the agenda for the legislative body must be posted at the remote location and must include reference to the address of the remote location. (For purposes of this policy, these traditional teleconferencing rules and procedures may be referred to as the "Traditional Procedures").
- **AB 361 relaxed teleconferencing rules and procedures** which may only be relied upon in the event of a state of emergency pursuant to Government Code Section 8625.² As of the effective date of this policy, the rules and procedures of established under AB 361 will be codified under subdivision (e) of Government Code Section 54953 until January 1, 2024, after which time its provisions will be repealed altogether. (For purposes of this policy, these AB 361 relaxed teleconferencing rules and procedures may be referred to as the "AB 361 State of Emergency Procedures").
- **AB 2449 For Cause rules and procedures** which do not require a 1 state of emergency to be invoked but which does establish limitations on the number of times a member may participate remotely and limitations on the types of circumstances under which a member is allowed to participate remotely. As of the effective date of this policy, the just cause/emergency cause rules and

¹ AB 2449 was approved by Governor Gavin Newsom on September 13, 2022.

² AB 361 was approved by Governor Newsom on September 16, 2021 and expires January 1, 2024 As of the effective date of this policy, it is anticipated that the current gubernatorial state of emergency originally declared to address the COVID pandemic will end after February 28, 2023 at which point public agencies will not be able to avail themselves of the significantly relaxed teleconferencing procedures set forth under AB 361 unless and until another state of emergency is declared.

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procedures of AB 2449 will be codified under subdivision (f) of Government Code Section 54953 until January 1, 2024, and under subdivision (e) of Government Code Section 54953 beginning January 1, 2024, up to January 1, 2026 at which time these provisions will be repealed altogether. (For purposes of this policy, these AB 2449 just cause/emergency cause rules and procedures may be referred to as the “AB 2449 For Cause Procedures”).

From January 1, 2024 to January 1, 2026, public agencies may avail themselves of the Traditional Procedures and the AB 2449 For Cause Procedures only.

After January 1, 2026, public agencies will only be able to avail themselves of the Traditional Procedures.

II. Duty to Comply with applicable Brown Act teleconferencing rules and procedure.

If one or more members of San Gabriel Basin Water Quality Authority’s governing board of directors (the “Board”) or any standing committee of the Board participate remotely for meetings of such bodies, such meetings will, as applicable, be conducted in compliance with the requirements of Government Code Section 54953 (“Section 54953”) and this policy as the same may be amended from time to time by the legislature or the Board, respectively. Members of the Board shall also, as applicable, comply with, and be subject to, the requirements and restrictions set forth under Section 54953 and this policy as the same may be amended from time to time by the legislature or the Board, respectively.

III. Meetings conducted subject to AB 2449 For Cause Procedures.

A. Any meeting of the Board or any standing committee of the Board conducted under the AB 2449 For Cause Procedures must comply with the following meeting requirements:

1. In the case of the Board, a quorum of its members must participate in person from a singular physical location identified on the agenda that is located within the territorial boundaries of the Authority;
2. The meeting must be open to the public;
3. The Board or standing committee must provide either (a) a two-way audiovisual platform, such as Zoom or WebEx, which allows the meeting to be viewed and heard from a remote location, or (b) a two-way telephonic service and a live webcasting of the meeting. This requirement may be satisfied with any combination of platforms that allows the meeting to be viewed and heard from the remote location;
4. Meeting agendas must give notice of the means by which members of the public may access the meeting and offer public comment; and

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5. The meeting must be paused (and no action may be taken), if the broadcasting platform, either audio or visual, is interrupted.
- B. If a member of a legislative body wishes to participate remotely under the AB 2449 For Cause Procedures, all of the following requirements, (1) through (4), below, must apply:
1. The request to remotely participate must be on the basis of a circumstance that qualifies as a **“just cause”** circumstance or **“emergency”** circumstance within the meaning of the AB 2449 For Cause Procedures;
 - (a) **Just Cause Circumstance:** At the earliest opportunity possible (including at the start of a regular meeting), the requesting member must notify the Board that he/she has a **“just cause”** reason for participating remotely. The request must generally describe the specific circumstances that prevent in person participation. **“Just cause”** is specifically defined to mean any of the following circumstances:
 - i) A childcare or caregiving need of a child, parent, grandparent, grandchild, sibling, spouse, or domestic partner that requires them to participate remotely. “Child,” “parent,” “grandparent,” “grandchild,” and “sibling” have the same meaning as those terms do in Government Section 12945.2.
 - ii) A contagious illness that prevents a member from attending in person.
 - iii) A need related to a physical or mental disability as defined in Government Code Sections 12926 and 12926.1 not otherwise accommodated elsewhere Government Code Section 54953.
 - iv) Travel while on official business of the legislative body or another state or local agency.

Each Board member shall be limited to a maximum of two (2) Board meetings per calendar year in which to participate remotely based on a “just cause” reason. Likewise, each Board member who is a member standing committee shall be limited to a maximum of two (2) standing committee meetings per calendar year in which to participate remotely based on a “just cause” reason.

- (b) **Emergency Circumstance:** An **“emergency circumstance”** means a *“physical or family medical emergency that prevents a member from attending a meeting in person.”* To invoke the **“emergency circumstance”** exception, the requesting Board member or standing committee member, as soon as possible, must request that the Board or standing committee allow him/her to participate remotely due to some specified **“emergency circumstance.”** In turn, the Board or standing committee must take action to approve the request at the earliest opportunity. The member invoking the “emergency circumstance” reason for remote participation must submit a general description (not exceeding 20 words) that describes the circumstances relating to the “emergency.” The requesting member is not, however, required to disclose any medical diagnosis or disability, or any

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personal medical information that is already exempt under existing law. The member must also make a separate request for each meeting in which he/she seeks to participate remotely on an “emergency circumstance” basis.

2. The member must publicly disclose at the meeting before any action is taken, whether any other individuals 18 years of age or older are present in the room at the remote location with the member, and the general nature of the member’s relationship with any such individuals.
3. The member must participate through *both* audio and visual connection.
4. A member’s remote participation may not exceed (i) three consecutive months, or (ii) 20% of a Board or standing committee’s regular meetings within a single calendar year.

C.

IV. Requests for Remote Participation.

- A. All requests for remote participation shall be submitted to the Board secretary. The Board secretary shall document the date and time of all requests.
- B. Requests for remote participation under the Traditional Procedures must be made in writing submitted no less than 5 days prior the start of any regular meeting of the Board or standing committee and no less than 3 days prior to the start of any special meeting so that there is sufficient time to arrange for all posting required at the remote location and to ensure that the remote location is equipped to accommodate participation by members of the public. Members of the Board or a standing committee who fail to comply with the notification requirements of this paragraph will not be able to participate in a meeting of the Board or a standing committee under the Traditional Procedures.
- C. If a member of the Board or a standing committee has a “just cause” reason for participating remotely under the AB 2449 For Cause Procedures, the member shall use the member’s best efforts to notify the Board secretary in writing prior to the start of any meeting. Written notifications may be made via e-mail. If a “just cause” request is made by telephone (either by audio or text message), the Board secretary shall document the date and time of the request and the specific reason for the request. All requests for remote participation based on a “just cause” reason shall include the specific reason the request is made. If a member of the Board or a standing committee fails to notify the Board secretary or fails to provide the Board secretary with the specific “just cause” reason for participating remotely, the member will not be allowed to participate in the meeting under the AB 2449 For Cause Procedures and will be deemed absent if not physically present for the meeting.
- D. Requests for remote participation under the AB 2449 For Cause Procedures based on an “emergency circumstance” shall be made in accordance with the procedural requirements of Government Code Section 54953 which are described under

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Section III of this policy, above. The Board secretary shall note the date and time of all written notifications required in connection with the making of requests to participate remotely on under an “emergency circumstance”.

- E. The Board secretary shall track all requests for remote participation, including the number of requests made each calendar year by members of Boards and standing committees under the AB 2449 For Cause Procedures. The foregoing notwithstanding, it is the responsibility of each member of the Board or a standing committee to track the number of times they have participated remotely under the AB 2449 For Cause Procedures so as to comply with an limits on the number of times each member may participate remotely under these procedures in a given calendar year.
- F. If more than a quorum of the members of the Board or a standing committee wish to participate remotely for the same meeting under the AB 2449 For Cause Procedures, priority shall be given to the request made earlier in time to other requests. Requestors who cannot be accommodated without causing the Board or standing committee to violate the requirement that a quorum of the body be physically present within the jurisdiction of the Authority will be counted as absent unless physically present.

[END OF POLICY]



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AGENDA SUBMITTAL

To: Administrative/Finance Committee
From: Randy Schoellerman, Executive Director
Date: December 13, 2022
Subject: **Federal Funding Program Administration (FFPA) Round X Recommendations**

Background and Discussion

On September 26, 2022, WQA Staff initiated Round X of WQA's FFPA process making the most recent \$10M of federal funding received available for distribution to projects. Staff accepted applications from September 26, 2022, thru November 10, 2022. Staff received a total of 23 applications with a combined capital costs of \$201.6M, and combined treatment and remediation costs of \$18M. During the application period, staff determined that an additional \$545K could be made available for distribution. The total amount available for distribution is \$10.275M after Bureau of Reclamation deducted their administrative costs.

Recommendation / Proposed Action

Recommend FFPA Round X staff recommendations to the Board of Directors for approval.

Attachments

Draft Round X Federal Funding Program Administration Recommendations

Supplemental material for Item V.

DRAFT FEDERAL FUNDING ADMINISTRATION SUMMARY Process No. X Ending NOVEMBER 2022						
	FEDERAL FUNDING ADMINISTRATION SUMMARY REALLOCATION PROCESS PERIOD NO. X FOR November 2022	Project Name	<u>ROUND X NOVEMBER 2022</u>			Comments
			Ranking Score	Project Capital ----- Annual T&R	<u>Federal Funding</u> RF	
1	Covina Irrigating Company	Baldwin Park Water Treatment Plant #2 (BPWTP#2). PFAS	71	2,529,600 ----- N/A	525,000	
2	California Domestic Water Company	Well 8 PFAS	100	4,695,000 ----- 115,000	2,300,000	
3	La Puente Valley County Water District	Nitrate Treatment Facility	100	2,880,000 ----- 150,000	250,000	
4	Valley County Water District	Morada	66	2,200,000 ----- N/A	0	
5	City of EL Monte	Wells 2A, 10, 12	71	N/A ----- 335,337	0	
6	City of El Monte	Eastside Deep	100	N/A ----- 428,682	0	
7	Northrop	PVOU IZ	100	45,312,216 ----- N/A	0	
8	City of Azusa	Aspan Treatment	71	3,000,000 ----- N/A	525,000	
9	Ametec WSPSD	Westside Shallow Expansion	40	8,014,342 ----- 250,000	0	
10	City of Monterey Park	PLC Upgrade	N/A	786,550 ----- N/A	0	

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Process No. X Ending NOVEMBER 2022

	FEDERAL FUNDING ADMINISTRATION SUMMARY REALLOCATION PROCESS PERIOD NO. X FOR November 2022	Project Name	ROUND X NOVEMBER 2022			Comments
			Ranking Score	Project Capital ----- Annual T&R	Federal Funding RF	
11	Three Valleys Municipal Water District	Groundwater Reliability Program	66	60,000,000 ----- N/A	300,000	
12	City of South Pasadena	Graves Treatment	66	10,717,600 ----- N/A	0	
13	BPOU CR Projects	BPOU Remedy	100	4,339,286 ----- 16,710,200	2,800,000	
14	San Gabriel Valley Water Company	B24 Treatment	71	900,000 ----- N/A	200,000	
15	San Gabriel Valley Water Company	Plant 1 PFAS	71	6,650,000 ----- N/A	525,000	
16	San Gabriel Valley Water Company	Plant 11 PFAS	81	7,195,000 ----- N/A	1,500,000	
17	Suburban Water Systems	Plant 201 PFAS Phase 1	71	42,343,704 ----- N/A	500,000	
18	Water Quality Authority	WSGRF	N/A	N/A ----- 310,000	400,000	Award is for two years of T&R. (\$310,000 *2*65%)
19	Water Quality Authority	WQA Separate Costs	N/A	N/A ----- N/A	425,000	
	Totals Capital			\$201,563,298	\$9,850,000	
	Totals Treatment and Remediation			\$17,989,219	\$400,000	