



**REGULAR MEETING OF THE BOARD OF DIRECTORS
PICO WATER DISTRICT**

4843 S. Church Street
Pico Rivera, California, 90660

5:30 PM Thursday, September 1, 2022

AGENDA

Pursuant to the provisions of Government Code Section 54953(e), as amended by AB 361, any Board member and any member of the public who desires to participate in the open session items of this meeting may do so by accessing the Zoom link below to join by webcam or teleconference.

Any member of the public wishing to make any comments to the Board may do so through that Zoom link. The meeting Chair will acknowledge such individual(s) at the appropriate time in the meeting prior to making his or her comment. Members of the public wishing to make a comment are asked to state their name for the record and will be provided three (3) minutes to comment, the Board secretary will alert those commenting when they only have 30 seconds remaining. All members of the public will be disconnected from the Zoom link immediately before the Board of Directors adjourns into Closed Session.

Join Zoom Meeting

<https://us06web.zoom.us/j/9521779948?pwd=dGNxcXh3YitEc2NlVVdrUzVvNm4rZz09>

Join by Telephone: +1 669 900 6833

Meeting ID: 952 177 9948 Passcode: 421745

- 1. ROLL CALL.**
- 2. PLEDGE OF ALLEGIENCE.**

3. INVOCATION.

4. TIME RESERVED FOR PUBLIC COMMENTS.

*Members of the public shall be allowed three minutes to address the Board on any matter on the agenda and/or within the jurisdiction of the District, which is not on the Agenda. All comments should be addressed to the presiding officer of the meeting. Additional public comments shall be allowed when a listed agenda item is being considered, but such comments made at that time must be confined to the subject that is being discussed at the time such comments are made. Members of the public are asked to state their name for the record. Due to all Board Meetings being run as Zoom Meetings all participants will be placed on mute at the start of the meeting and when the meeting is open for public comment the participant will be asked to raise their hand through the button on the video conference screen if participating by video conference or by pressing *9 on their phone if participating by teleconference.*

5. ADOPTION OF AGENDA.

6. APPROVAL OF CONSENT CALENDAR.

(All matters on the Consent Calendar are to be approved on one motion, unless a Board Member requests a separate action on a specific item).

A. Consider approval of August 17, 2022 Regular Board Meeting Minutes.

B. Consider approval of July 2022 Financial Statement.

7. ACTION/DISCUSSION ITEMS.

A. Consider Board Approval of Resolution 234-R proclaiming a state of emergency persists, re-ratifying the proclamation of a state of emergency by Governor Gavin Newsom, and authorizing continued remote teleconference meetings. *Recommended action – that the Board approve Resolution 234-R proclaiming a state of emergency persists and ratifying the proclamation of a state of emergency by Governor Gavin Newsom. Recommended action – that the Board approve.*

8. REPORTS.

A. General Manager.

B. Legal Counsel.

9. DIRECTOR'S REQUEST OF FUTURE AGENDA ITEMS.

10. BOARD MEMBER COMMENTS.

A. Report on Meetings Attended/Comments.

11. CLOSED SESSION.

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Government Code
Section 54956.9.

One Case.

12. CLOSED SESSION REPORT.

13. ADJOURNMENT.

AGENDA POSTED ON: August 29, 2022

Next regularly scheduled meeting: September 21, 2022

NOTE: To comply with the Americans with Disabilities Act, if you need special assistance to participate in any Board meeting, please contact the District office at (562) 692-3756 at least 48 hours prior to a Board meeting to inform the District of your needs and to determine if accommodation is feasible.

Materials related to an item on this agenda submitted after distribution of the agenda packet are available for public review at the District office, located at 4843 S. Church Street, Pico Rivera, California.

CONSENT ITEMS

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MINUTES OF A REGULAR MEETING
OF THE BOARD OF DIRECTORS
OF THE PICO WATER DISTRICT

A regular meeting of the Board of Directors of the Pico Water District was held in the District's Boardroom located at 4843 South Church Street, Pico Rivera, California, on Wednesday, August 17, 2022 at 5:31 p.m.

The District's General Manager, Mr. Joe Basulto proceeded with the roll call of the attending Board members. Present from the beginning of the meeting was Director Robert Martinez, Director David Gonzales, Director Victor Caballero and President Pete Ramirez. Mr. Jim Ciampa, Legal Counsel for the District was also present along with Matt Lenton from Gruber and Lopez, Inc. Vice President Rodriguez arrived at approximately 5:35 p.m.

Mr. Joe Basulto led everyone in the Pledge of Allegiance.

Director Gonzales gave the invocation.

President Ramirez proceeded to the next item on the Agenda, Public Comments. There were none.

President Ramirez proceeded to the adoption of the Agenda. Director Gonzales made the motion to approve the agenda and Director Martinez seconded the motion. The General Manager announced the motion passed by roll-call vote, 5 – 0.

President Ramirez proceeded to the next item on the Agenda, approval of Consent Calendar. Director Martinez made the motion to approve and President Ramirez seconded the motion. The General Manager announced the motion passed by roll call vote, 5 – 0.

President Ramirez proceeded to the next item on the Agenda, consider Board approval of the 2021 Audit Report completed by the auditing firm Gruber and Lopez. Matt Lenton presented Gruber and Lopez's Audit Report for approval by the Board. Director Gonzales made the motion to approve, receive and file the Pico Water District 2021 Audit and Vice President Rodriguez seconded the motion. The General Manager announced the motion passed by roll call vote, 5 – 0.

President Ramirez proceeded to the next item on the Agenda, consider Board approval of rescheduling the next regular meeting of the Board of Directors of Pico Water District to September 1, 2022 from September 7, 2022. The General Manager stated that he will be on a pre-planned vacation and will be unavailable on September 7, 2022. Director Caballero made the

motion to approve and Director Gonzales seconded the motion. The General Manager announced the motion passed by roll call vote, 5 – 0.

President Ramirez proceeded to the next item on the Agenda, consider Board approval of replacement of Variable Frequency Drive (VFD) at Well #8 proposal recommendation by Sulzer EMS at a cost of \$14,297.72 to include all work necessary to complete project. The General Manager stated that this was previously brought to the Board and tabled so staff could discuss with AKM Consulting Engineers to verify that what is being considered is sufficient, they stated it was. EMS has the part in stock and is ready to install once the Board approves. Vice President Rodriguez made the motion to approve and Director Caballero seconded the motion. The General Manager announced the motion passed by roll call vote, 5 – 0.

President Ramirez proceeded to the next item on the Agenda, consider complaint lodged against Director David Gonzales. The Pico Water District Office Manager/Treasurer Lorraine Laible addressed the Board with a formal complaint against Director Gonzales for actions in defiance of Appendix J - Responsibilities of Public Office. After a brief discussion and an outburst by Director Gonzales the matter was tabled for another meeting.

President Ramirez proceeded to the next item on the Agenda, General Manager Report. The General Manager informed the Board that Well #5A gate replacement is scheduled to be installed and completed on Thursday, August 18th; Customer Service and Billing staff members attended training for Neptune 360; Field Rep interviews will be held next week; Field Superintendent application are currently in the review process; Attended meeting with Central Basin Municipal Water District regarding Metropolitan Water District emergency repair to the Upper Feeder Pipeline on September 6, 2022, assistance with water conservation, and responses by staff to customers; Staff has been receiving calls from both ours and the City's customers that individuals are visiting their homes informing them that they need to come in and check their water for contaminants; the Department of Water Resources Health Department is scheduled to perform facility inspections.

President Ramirez proceeded to the next item on the Agenda, Legal Counsel Report. Legal Counsel reported that there was a note in the audit regarding recommendations for the purchasing policy reflecting thresholds for check signers and he will look into that and bring his recommendations to the Board.

Ramirez proceeded to the next item on the Agenda, Director's Request of Future Agenda Items. There were none.

President Ramirez proceeded to the next item on the Agenda, Board Member Comments. There were none.

The Board retreated to Closed Session at 6:50 p.m. regarding two matters.

The Board reconvened at 7:14 p.m. Legal Counsel reported that closed session was held regarding one case of anticipated litigation under Government Code section 54956.9 paragraph (4) of subdivision (d) the Board was briefed about the facts and circumstances about that case and no reportable action was taken.

There being no further business to come before the Board, the Board meeting adjourned at 7:16 p.m.

Elpidio Ramirez, President

Attest:

Joe D. Basulto, Secretary
(Seal)

**JULY 2022 FINANCIALS
WILL BE DELIVERED
WEDNESDAY AUGUST 31, 2022**

**ACTION/DISCUSSION
ITEMS**

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7. ACTION/DISCUSSION ITEMS.

- A. Consider Board Approval of Resolution 234-R proclaiming a state of emergency persists, re-ratifying the proclamation of a state of emergency by Governor Gavin Newsom, and authorizing continued remote teleconference meetings. *Recommended action – that the Board approve Resolution 234-R proclaiming a state of emergency persists and ratifying the proclamation of a state of emergency by Governor Gavin Newsom. Recommended action – that the Board approve.A*



RESOLUTION NO. 234-R

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE PICO WATER DISTRICT PROCLAIMING A STATE OF EMERGENCY PERSISTS, RATIFYING THE PROCLAMATION OF A STATE OF EMERGENCY BY GOVERNOR GAVIN NEWSOM, AND AUTHORIZING REMOTE TELECONFERENCE MEETINGS OF THE BOARD OF DIRECTORS OF PICO WATER DISTRICT FOR THE PERIOD AUGUST 6, 2022 TO SEPTEMBER 5, 2022 PURSUANT TO BROWN ACT PROVISIONS

WHEREAS, the Pico Water District (the “District”) is committed to preserving and nurturing public access and participation in meetings of its Board of Directors; and

WHEREAS, all meetings of the District’s Board of Directors and its standing committees are open and public, as required by the Ralph M. Brown Act (California Government Code Sections 54950 – 54963), so that any member of the public may attend, participate, and watch those bodies conduct their business; and

WHEREAS, the Brown Act, in Government Code Section 54953(e), makes provision 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 for application of Section 54953(e) is that a state of emergency is declared by the Governor pursuant to Government Code Section 8625, proclaiming the existence of conditions of disaster or of extreme peril to the safety of persons and property within the state caused by conditions as described in Government Code Section 8558; and

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

WHEREAS, it is further required that state or local officials have imposed or recommended measures to promote social distancing, or the legislative body meeting in person would present imminent risks to the health and safety of attendees; and

WHEREAS, such conditions now exist in the District, specifically, COVID-19, and its Delta, Omicron and BA.2 variants, which remain highly contagious and, therefore, a threat to the

health, safety and well-being of the District's employees, directors, vendors, contractors, customers and residents; and

WHEREAS, orders from the Los Angeles County Department of Public Health and regulations from the State of California impose limitations on gatherings and provide guidance on best practices with respect to actions to reduce the spread of COVID-19; and

WHEREAS, the District's Board of Directors does hereby find that a state of emergency exists within the District's service area as a result of the continuing presence of COVID-19 and resulting local, state and federal orders and guidance, which has caused, and will continue to cause, conditions of peril to the safety of persons within the District that are likely to be beyond the control of services, personnel, equipment, and facilities of the District, and the Board of Directors desires to affirm a local emergency exists 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 District's Board of Directors and all standing committees 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 continue to 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, the District will continue to provide proper notice to the public regarding all District Board of Directors' and standing committee meetings, in accordance with Government Code Section 54953(e)(2)(A) and shall provide notice to the public of how they may access any such meeting via call-in number and/or internet link.

NOW, THEREFORE, THE BOARD OF DIRECTORS OF PICO WATER DISTRICT 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 Regarding Local Emergency. The Board of Directors hereby considers the conditions of the state of emergency in the District and proclaims that a local emergency now exists throughout the District, and that conducting District Board of Directors and standing committee meetings virtually will minimize the possible spread COVID-19 and any variant thereof.

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 regarding COVID-19, dated March 4, 2020.

Section 4. Remote Teleconference Meetings. The District's General Manager, or his delegee, and the Board of Directors and standing committees of the District are hereby authorized and directed to take all actions necessary to carry out the intent and purpose of this

Resolution including, continuing to conduct 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) the expiration of thirty (30) days from the date this Resolution is adopted, or (ii) such time as the Board of Directors adopts a subsequent resolution in accordance with Government Code section 54953(e)(3) to extend the time during which the Board of Directors and standing committees of the District may continue to teleconference without compliance with paragraph (3) of subdivision (b) of section 54953.

PASSED AND ADOPTED by the Board of Directors of Pico Water District this 1st day of September, 2022, by the following vote:

Ayes:

Nays:

Abstains:

Absent:

By: _____
Elpidio Ramirez, President

Attest:

Joe Basulto, Secretary