

**PALMDALE RECYCLED WATER AUTHORITY (PRWA)  
CITY HALL COUNCIL CHAMBER  
38300 SIERRA HIGHWAY, SUITE B  
PALMDALE, CALIFORNIA  
REGULAR MEETING AGENDA NO. 2  
FEBRUARY 20, 2013  
7:00 P.M.**

[www.cityofpalmdale.org](http://www.cityofpalmdale.org)  
[www.palmdalewater.org](http://www.palmdalewater.org)

**WELCOME**

**NOTE:** Materials related to an item on this Agenda submitted to the Palmdale Recycled Water Authority Board of Directors, or after distribution of the agenda packet, are available for public inspection at the City of Palmdale City Hall, located at 38300 Sierra Highway, Suite A, Palmdale, California, and at the Palmdale Water District, 2029 East Avenue Q, Palmdale, California during normal business hours and will also be available at the meeting. Those items provided by others at the meeting will be available at City Hall during normal business hours.

A **three-minute time limit** will be imposed on all speakers other than staff members.

In accordance with the Americans with Disabilities Act of 1990, if you require a disability-related modification or accommodation to attend or participate in this meeting, including auxiliary aids or services, please call the Palmdale Water District at least 48 hours prior to the meeting.

**Your courtesy is requested to help our meeting run smoothly. If you'll be kind enough to follow these simple rules, we can make the best possible use of your time and ours:**

- Please refrain from public displays or outbursts such as unsolicited applause, comments, cheering, foul language, or obscenities.
- Any disruptive activities that substantially interfere with the ability of the Board of Directors to carry out its meeting will not be permitted and offenders will be requested to leave the meeting.
- Please turn off cell phones and pagers.

**1. CALL TO ORDER.**

2. **ROLL CALL: DIRECTORS JAMES C. LEDFORD, JR., GORDON DEXTER, LAURA BETTENCOURT, KATHRYN MAC LAREN, AND VACANT**

3. **PLEDGE OF ALLEGIANCE.**

4. **WAIVER OF FULL READING OF RESOLUTION(S).**

**Motion:** Move to waive full reading of the Resolution(s) to be considered and voted on at this meeting. (Voice Vote - Requires a majority to waive.)

5. **CONSENT CALENDAR – PUBLIC COMMENTS ONLY:** If you wish to comment on any item(s) listed on the Consent Calendars on this agenda, please come forward to the podium and state the item number(s) and your comments. **PLEASE NOTE: A three-minute time limit** will be imposed on each speaker other than staff members.

6. **CONSENT CALENDAR:**

**NOTICE:** All matters listed under the Consent Calendar will be enacted by one motion unless an item(s) is pulled by the Board, in which case the item(s) will be removed from the Calendar and will be considered separately following this portion of the Agenda.

- 6.1 Resolution No. PRWA 2013-003, a Resolution of the Board of Directors of the Palmdale Recycled Water Authority finalizing the appointments of officers made at the January 16, 2013 Board Meeting and authorizing those officers to designate assistants. (Staff Reference: Authority Counsel Ditzhazy)
- 6.2 Resolution No. PRWA 2013-005, a Resolution of the Board of Directors of the Palmdale Recycled Water Authority authorizing the Chair of the Authority to execute an Attorney Conflict of Interest Waiver. (Staff Reference: Authority Counsel Ditzhazy)
- 6.3 Approve the Minutes from the previous meeting held on January 16, 2013. (Staff Reference: Secretary Smith)
- 6.4 Resolution No. PRWA 2013-004, a Resolution of the Palmdale Recycled Water Authority setting its regular meeting date, time and locations. (Staff Reference: Authority Counsel Ditzhazy)

**Staff Recommendation:** Move to approve the recommendations and findings on all items listed under this Consent Calendar. (Voice Vote - Requires a majority to approve.)

**7. NEW BUSINESS:**

- 7.1 Resolution No. PRWA 2013-002, a Resolution of the Board of Directors of the Palmdale Recycled Water Authority approving the Conflict of Interest Code. (Staff Reference: Authority Counsel Ditzhazy)

***Call for Public Comments***

**Staff Recommendation:** Move to adopt Resolution No. PRWA 2013-002. (Voice Vote – Requires a majority to adopt.)

- 7.2 Report and discussion regarding draft bylaws. (Staff Reference: Authority Counsel Ditzhazy)
- 7.3 Discussion and possible action on the recommendation regarding the appointment of the fifth member of the Board of Directors. (Staff Reference: Executive Director LaMoreaux and Assistant Executive Director Mischel)

***Call for Public Comments***

- 7.4 Update on Recycled Water Allocation Plan including discussion and possible direction. (Staff Reference: Executive Director LaMoreaux and Assistant Executive Director Mischel)

***Call for Public Comments***

- 7.5 Discussion and possible action regarding the amendment of the Joint Powers Authority to define the term for the fifth member. (Staff Reference: Authority Counsel Ditzhazy)

***Call for Public Comments***

- 8. PUBLIC COMMENTS:** This portion of the Agenda allows an individual the opportunity to address the Board of Directors on any subject regarding Palmdale Recycled Water Authority business. Under state legislation, no action can be taken on items not specifically referenced on the Agenda. **PLEASE NOTE: A three-minute time limit** will be imposed on each speaker other than staff members.

9. **ADJOURNMENT** to March 20, 2013 at 7:00 p.m. at the Palmdale Water District located at 2029 East Avenue Q, Palmdale, California.
- 

Complete packets can be viewed at City Hall, located at 38300 Sierra Highway, Suite A, Palmdale, California; Palmdale Water District, 2029 East Avenue Q, Palmdale, California, and the Main Library, located at 700 East Palmdale Boulevard, Palmdale, California. You can also view the Agenda for the Palmdale Recycled Water Authority on the City's website at [www.cityofpalmdale.org](http://www.cityofpalmdale.org) or the Palmdale Water District website at [www.palmdalewater.org](http://www.palmdalewater.org).

Thank you for attending your Palmdale Recycled Water Authority meeting. If you have any further questions, please contact the Secretary's Office at (661) 267-5151, Monday through Thursday, 7:30 a.m. to 6:00 p.m., closed every Friday.

# **PALMDALE RECYCLED WATER AUTHORITY BOARD MEMORANDUM**

**DATE:** February 13, 2013  
**TO:** BOARD OF DIRECTORS  
**FROM:** Wm. Matthew Ditzhazy, Authority Counsel  
**VIA:** Mr. Dennis LaMoreaux, Executive Director, PRWA

February 20, 2013  
Board Meeting

**RE:** *AGENDA ITEM NO. 6.1 – CONSIDERATION AND POSSIBLE ACTION ON  
RESOLUTION NO. PRWA 2013-003 – A RESOLUTION OF THE PALMDALE  
RECYCLED WATER AUTHORITY APPOINTING OFFICERS*

## **Recommendation:**

Palmdale Recycled Water Authority (PRWA) staff recommends adoption of Resolution No. PRWA 2013-003 Appointing Officers of the Palmdale Recycled Water Authority

## **Background:**

At the Palmdale Recycled Water Authority Meeting of January 16, 2013, the Board informally adopted its officers, including Dennis LaMoreaux as Executive Director, Michael Mischel as Assistant Executive Director, Wm. Matthew Ditzhazy as Authority Counsel (pending an acceptable Attorney Conflict Waiver which is also on tonight's agenda), Betsy St. John as both Treasurer and Auditor, and Rebecca J. Smith as Board Secretary. This resolution formalizes those appointments, names the terms for said officers (all but Authority Counsel having a term through December 31, 2013. Authority Counsel is appointed until July 31, 2013.) and authorizes each officer to name assistants that may act at their direction and in their capacity as needed.

## **Financial Impact:**

As the above named officers are either employees or contractors of their respective JPA Members, their salaries or contract payments are being covered by those Members. There is no charge or payment to or by the PRWA for their services, hence no fiscal impact.

## **Supporting Documents:**

Proposed PRWA Resolution No. PRWA 2013-003

**PALMDALE RECYCLED WATER AUTHORITY**

**RESOLUTION PRWA 2013-003**

**A RESOLUTION OF THE PALMDALE RECYCLED WATER AUTHORITY  
APPOINTING OFFICERS**

WHEREAS, Section 4.12 of the Joint Exercise of Powers Agreement Creating the Palmdale Recycled Water Authority authorizes the Board of Directors to appoint a Secretary who shall be responsible for keeping the minutes and other records of the Authority and performing such other duties as specified by the Board; and

WHEREAS, Section 4.13 of the Joint Exercise of Powers Agreement Creating the Palmdale Recycled Water Authority authorizes the Board of Directors to appoint a Treasurer who shall act as the depositary of the Authority and have custody of all the money of the Authority, from whatever source, and as such, shall have all of the duties and responsibilities specified in Section 6505.5 of the Joint Exercise of Powers Act; and

WHEREAS, Section 4.13 of the Joint Exercise of Powers Agreement Creating the Palmdale Recycled Water Authority authorizes the Board of Directors to appoint an Auditor who may also act as the Treasurer; and

WHEREAS, Section 4.14 of the Joint Exercise of Powers Agreement Creating the Palmdale Recycled Water Authority authorizes the Board of Directors to appoint an Executive Director and other staff as deemed necessary by the Board of Directors.

WHEREAS, Section 4.20 of the Joint Exercise of Powers Agreement Creating the Palmdale Recycled Water Authority authorizes the Board of Directors to retain and appoint legal counsel for the Authority.

WHEREAS, On January 16, 2013, the Board of Directors of the Palmdale Recycled Water Authority verbally appointed the following officers: 1) Dennis LaMoreaux to the position of Executive Director; 2) Michael Mischel to the position of Assistant Executive Director; 3) Wm. Matthew Ditzhazy to the position of Authority Counsel (pending approval of a Conflict of Interest Waiver); 4) Betsy St. John to the position of Treasurer; 5) Betsy St. John to the position of Auditor; and 6) Rebecca J. Smith to the position of Secretary.

**NOW THEREFORE, BE IT RESOLVED AS FOLLOWS:**

**Section 1.** The verbal appointments made on January 16, 2013 are hereby ratified.

**Section 2.** Dennis LaMoreaux is appointed Executive Director until December 31, 2013.

**Section 3.** Michael Mischel is appointed Assistant Executive Director until December 31, 2013. The Assistant Executive Director may act as Acting Executive Director in the absence of the Executive Director.

**Section 4.** Betsy St. John is appointed Treasurer until December 31, 2013. Betsy St. John may appoint an Assistant Treasurer who may act as Acting Treasurer in the absence of the Treasurer.

**Section 5.** Betsy St. John is appointed Auditor until December 31, 2013.

**Section 6.** Wm. Matthew Ditzhazy is appointed Authority Counsel until July 31, 2013. Wm. Matthew Ditzhazy may appoint an Assistant Authority Counsel who may act as Acting Authority Counsel in the absence of the Authority Counsel.

**Section 7.** Rebecca J. Smith is appointed Secretary until December 31, 2013. Rebecca J. Smith may appoint an Assistant Secretary who may act as Acting Secretary in the absence of the Secretary.

//

//

//

//

//

PASSED, APPROVED and ADOPTED this 20th day of February, 2013, by the following vote:

AYES: \_\_\_\_\_

NOES: \_\_\_\_\_

ABSTAIN: \_\_\_\_\_ ABSENT: \_\_\_\_\_

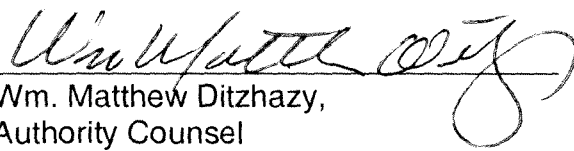
PROPOSED

\_\_\_\_\_  
James C. Ledford, Jr.,  
Chair

ATTEST:

\_\_\_\_\_  
Rebecca J. Smith, Secretary

APPROVED AS TO FORM:

  
Wm. Matthew Ditzhazy,  
Authority Counsel



# PALMDALE RECYCLED WATER AUTHORITY BOARD MEMORANDUM

**DATE:** February 13, 2013  
**TO:** BOARD OF DIRECTORS  
**FROM:** Wm. Matthew Ditzhazy, Authority Counsel  
**VIA:** Mr. Dennis LaMoreaux, Executive Director, PRWA

February 20, 2013  
Board Meeting

**RE:** *AGENDA ITEM NO. 6.2 – CONSIDERATION AND POSSIBLE ACTION ON  
RESOLUTION NO. PRWA 2013-005 – A RESOLUTION OF THE PALMDALE  
RECYCLED WATER AUTHORITY AUTHORIZING THE CHAIR OF THE  
AUTHORITY AN ATTORNEY CONFLICT WAIVER FOR AUTHORITY COUNSEL*

## **Recommendation:**

Palmdale Recycled Water Authority (PRWA) staff recommends adoption of Resolution No. PRWA 2013-005 Authorizing its Chair to execute an Attorney Conflict Waiver for Authority Counsel.

## **Background:**

At the Authority Meeting of January 16, 2013, the Board appointed Wm. Matthew Ditzhazy as Authority Counsel subject to Mr. Ditzhazy obtaining authority from his primary employer, the City of Palmdale, to serve as Authority Counsel to the PRWA and the execution of the Waiver by the Authority. The City authorized its Mayor to sign the acknowledgement and waiver at its February 6<sup>th</sup> City Council meeting. Proposed Resolution No. PRWA 2013-005 would authorize the Authority Chair to sign the Attorney Conflict Waiver in substantially the form attached to that Resolution. The California Rules of Professional Responsibility prevent an attorney from providing services to a new client (the Authority) if, at the same time, that attorney represents an existing client (the City) in a matter where the Authority's interests could potentially be adverse to the City without first obtaining the informed written consent of each client. If a conflict were to arise, Mr. Ditzhazy would be able to retain his work with the City but withdraw at Authority Counsel. He would not be able to represent either entity as the matter in conflict.

**Financial Impact:**

There is no fiscal impact.

**Supporting Documents:**

Proposed PRWA Resolution No. PRWA 2013-005  
Proposed Attorney Conflict Waiver

**RESOLUTION NO. PRWA 2013-005**

**A RESOLUTION OF THE PALMDALE RECYCLED WATER AUTHORITY  
AUTHORIZING THE CHAIR OF THE AUTHORITY TO EXECUTE AN ATTORNEY  
CONFLICT WAIVER FOR AUTHORITY COUNSEL**

WHEREAS, Section 4.20 of the "Joint Exercise of Powers Agreement Creating the Palmdale Recycled Water Authority", hereinafter the "JPA" authorized the Board of the Palmdale Recycled Water Authority, hereinafter the "Board" to retain and appoint Authority legal counsel, and

WHEREAS, at the time of the formation of the Palmdale Recycled Water Authority, hereinafter "Authority", the Palmdale Water District ("District") and the City of Palmdale ("City") agreed to use their respective staffs and consultants for the benefit of the Authority until such time as the Authority could hire its own employees and consultants, and

WHEREAS, the City and the District have agreed to alternate the position of Authority Counsel from time to time, and

WHEREAS, at its organizational meeting held on January 16, 2013, the Authority Board discussed the "attorney conflict waiver" with City Attorney Ditzhazy, directed that he prepare such waiver and authorized him to be the first Authority Counsel upon execution of the conflict waiver.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Palmdale Recycled Water Authority:

Section 1. That the Chair of the Authority is authorized to execute the attorney conflict waiver in a form substantially similar to the waiver attached as Exhibit "A" to this resolution.

Section 2. The Clerk of the Authority shall certify to the passage and adoption of this Resolution and enter it into the official records of the Authority.

PASSED, APPROVED and ADOPTED this 20th day of February, 2013, by the following vote:

AYES: \_\_\_\_\_

NOES: \_\_\_\_\_

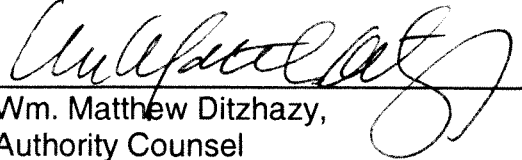
ABSTAIN: \_\_\_\_\_ ABSENT: \_\_\_\_\_

\_\_\_\_\_  
James C. Ledford, Jr.,  
Chair

ATTEST:

\_\_\_\_\_  
Rebecca Smith,  
Authority Secretary

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Wm. Matthew Ditzhazy,  
Authority Counsel

February 16, 2013

James C. Ledford, Jr.  
Chair  
Palmdale Recycled Water Authority  
  
Palmdale, CA

Re: Attorney Conflict Waiver

Dear Chair Ledford:

As you know, the Palmdale Recycled Water Authority ("Authority") is a recently formed joint powers authority, whose members are the City of Palmdale ("City") and the Palmdale Water District ("District"). We understand that the Authority's governing board has determined that it is in the best interests of the Authority to utilize the City's City Attorney and the District's General Counsel to serve as General Counsel to the Authority, on a rotating basis.

The California Rules of Professional Responsibility preclude an attorney from representing a client in one matter and at the same time in a separate matter accepting as a client an entity whose interest potentially conflicts to the client in the first matter without the informed written consent of each client (Rule 3-310(C)(1)).

This rule means that Assistant City Attorney Noel Doran and I, as attorneys for the City, are precluded from providing services for a new client (the Authority) if at the same time, we represent an existing client (the City) in a matter where the Authority's interests could potentially be adverse to the City without first obtaining the informed written consent of each client.

The specific rules that require such consent are Rules 3-310 (A), (B) and (C) of the Rules of Professional Conduct, which provide as follows:

Rule 3-310. Avoiding the Representation of Adverse Interests

(A) For purposes of this rule:

(1) "Disclosure" means informing the client or former client of the relevant circumstances and of the actual and reasonably foreseeable adverse consequences to the client or former client;

(2) "Informed written consent" means the client's or former client's written agreement to the representation following written disclosure;

(3) "Written" means any writing as defined in Evidence Code section 250.

(B) A member shall not accept or continue representation of a client without providing written disclosure to the client where:

- (1) The member has a legal, business, financial, professional, or personal relationship with a party or witness in the same matter; or
  - (2) The member knows or reasonably should know that:
    - (a) the member previously had a legal, business, financial, professional, or personal relationship with a party or witness in the same matter, and
    - (b) the previous relationship would substantially affect the member's representation; or
  - (3) The member has or had a legal, business, financial, professional, or personal relationship with another person or entity the member knows or reasonably should know would be affected substantially by resolution of the matter; or
  - (4) The member has or had a legal, business, financial, or professional interest in the subject matter of the representation.
- (C) A member shall not, without the informed written consent of each client:
- (1) Accept representation of more than one client in a matter in which the interests of the clients potentially conflict; or
  - (2) Accept or continue representation of more than one client in a matter in which the interests of the clients actually conflict; or
  - (3) Represent a client in a matter and at the same time in a separate matter accept as a client a person or entity whose interest in the first matter is adverse to the client in the first matter.

The purpose of the Authority is described in Section 2.3 of the *Joint Exercise of Powers Agreement Creating the Palmdale Recycled Water Authority* as follows:

- 2.3 Purpose. The purpose of the Agreement is to establish an independent public agency in order to study, promote, develop, distribute, construct, install, finance, use and manage recycled water resources created by the Sanitation Districts for any and all reasonable and beneficial uses, including irrigation and recharge, and to finance the acquisition and construction or installation of recycled water facilities, recharge facilities and irrigation systems.

We understand that the interests of the City are not currently adverse to the interests of the Authority. However, as the Authority begins operations, the interests of the City may differ from the Authority. For example, there could be disputes between the City and the Authority regarding the amount of Authority resources allocated to particular activities, or disputes

regarding each member's responsibilities in the event of a claim brought against the City and Authority.

In the event there is a dispute over the activities of the Authority, the interests of the City may become adverse to the Authority. In the event such a dispute (where the interests of the City are adverse to the Authority) arises, I and my office would be obliged to disqualify ourselves from representing some or all of the entities in that dispute. The Authority acknowledges and consents, unless ethically impossible under the circumstances, to my office continuing to represent the City in the event of a conflict between the City and the Authority.

It is therefore appropriate for us to seek the Authority's informed written consent of our representation of the Authority on matters to which the Authority is potentially, but not currently, adverse to the City.

Accordingly, we request that the Authority approve this disclosure and consent acknowledging that: (i) the Authority has been advised of Rule 3-310(C) and of the potential conflicts associated with our representation of the Authority while at the same time representing the City as City Attorney; and (ii) the Authority consents to my office concurrently representing the Authority and the City.

The Authority is encouraged to seek independent counsel at any time if the Authority seeks legal guidance in the approval of this consent. We apologize for the formality of this letter, but are required by California law to provide this information in writing.

If you have any questions, please feel free to call me.

Very truly yours,

Wm. Matthew Ditzhazy  
City Attorney  
City of Palmdale

## **APPROVAL AND CONSENT**

Wm. Matthew Ditzhazy, City Attorney of the City of Palmdale, has disclosed and explained that there exists potential conflicting interests in the representation of Authority and the City of Palmdale and has informed the Authority of the possible consequences of these conflicts. The Authority understands that it has the right to seek independent counsel before signing this consent or at any future time. The Authority desires to have the benefit of the representation by Wm. Matthew Ditzhazy and his office in connection with matters involving the Authority and consents and gives approval to such representation as well as consents and gives approval to Wm. Matthew Ditzhazy and his office to continue the representation of The City of Palmdale.

Palmdale Recycled Water Authority

---

James C. Ledford, Jr., Chair

Acknowledge:

---

James C. Ledford, Mayor  
City of Palmdale



**PALMDALE RECYCLED WATER AUTHORITY (PRWA)  
PALMDALE WATER DISTRICT  
2029 EAST AVENUE Q  
PALMDALE, CALIFORNIA  
REGULAR MEETING AGENDA NO. 1  
JANUARY 16, 2013  
7:00 P.M.**

[www.cityofpalmdale.org](http://www.cityofpalmdale.org)  
[www.palmdalewater.org](http://www.palmdalewater.org).

**1. CALL TO ORDER.**

Called to order at 7:00 p.m.

**2. ROLL CALL: DIRECTORS JAMES C. LEDFORD, JR., GORDON  
DEXTER, LAURA BETTENCOURT, KATHRYN  
MAC LAREN, AND VACANT**

Directors Ledford, Dexter, Bettencourt and Mac Laren were present.

**3. OATH OF OFFICE SIGNING.**

All Board of Directors present signed their Oath of Office.

City of Palmdale City Attorney Ditzhazy asked the Board if they would like to sign their Oaths of Office and skip the optional administration of oath listed on the Agenda as Item No. 7. The Board of Directors concurred with skipping Item No. 7.

City Attorney Ditzhazy presented the Board with a copy of the Joint Powers Authority, the Settlement Agreement, and the Press Release regarding the partnership.

**4. PLEDGE OF ALLEGIANCE.**

**5. DISCUSSION AND APPOINTMENT OF A TEMPORARY CHAIR.**

City of Palmdale City Attorney Ditzhazy recommended appointing a temporary chair and advised the Board that they may wish to consider appointment of a

permanent Chair when the fifth member is present since it is a one-year term appointment.

Public Comments: Robert Alvarado thanked the City of Palmdale and Palmdale Water District for the Palmdale Water Recycled Authority partnership.

There was discussion among the Board of Directors.

**Motion:** Appoint James C. Ledford, Jr. as Temporary Chair.  
Moved by Director Mac Laren, seconded by Director Bettencourt.

Vote: Motion carried (4-0).  
Yes: Director Ledford, Dexter, Bettencourt and Mac Laren.

**6. APPOINTMENT OF SECRETARY.**

Public Comments: None.

**Motion:** Appoint Rebecca J. Smith as Secretary.  
Moved by Director Mac Laren, seconded by Director Dexter.

Vote: Motion carried (4-0).  
Yes: Chair Ledford and Directors Dexter, Bettencourt and Mac Laren.

**7. ADMINISTRATION OF OATH BY SECRETARY (OPTIONAL).**

No action was taken on this item.

**8. APPOINTMENT OF EXECUTIVE DIRECTOR, ASSISTANT EXECUTIVE DIRECTOR, AUTHORITY COUNSEL, TREASURER, AUDITOR, AND OTHER OFFICERS.**

City of Palmdale City Attorney Ditzhazy spoke regarding the duties of the Executive Director and Assistant Executive Director.

Public Comments: None.

**Motion:** Appoint Dennis LaMoreaux as Executive Director.  
Moved by Director Mac Laren, seconded by Director Dexter.

Vote: Motion carried (4-0).  
Yes: Chair Ledford and Directors Dexter, Bettencourt and Mac Laren.

**Motion:** Appoint Mike Mischel as Assistant Executive Director.  
Moved by Director Mac Laren, seconded by Director Bettencourt.

Vote: Motion carried (4-0).  
Yes: Chair Ledford and Directors Dexter, Bettencourt and Mac Laren.

City of Palmdale City Attorney Ditzhazy advised the Board that a Conflict of Interest Waiver is pending and will be placed on the City of Palmdale February 6, 2013 regular meeting agenda for Council approval.

**Motion:** Appoint Wm. Matthew Ditzhazy as Authority Counsel, pending approval and execution of a Conflict of Interest Waiver.  
Moved by Director Dexter, seconded by Director Bettencourt.

Vote: Motion carried (4-0).  
Yes: Chair Ledford and Directors Dexter, Bettencourt and Mac Laren.

**Motion:** Appoint Betsy St. John as Treasurer and Auditor.  
Moved by Director Mac Laren, seconded by Director Bettencourt.

Vote: Motion carried (4-0).  
Yes: Chair Ledford and Directors Dexter, Bettencourt and Mac Laren.

**9. PRESENTATION BY PALMDALE CITY ATTORNEY DITZHAZY OF PALMDALE RECYCLED WATER AUTHORITY DIRECTOR DUTIES, SETTLEMENT AGREEMENT AND JOINT POWERS AUTHORITY.**

Authority Counsel Ditzhazy spoke regarding the background of the settlement, the Board of Directors authority, powers, and duties, and outlined the Joint Powers Authority Agreement. Authority Counsel Ditzhazy also advised that the Board of Directors, Chair, and Vice Chair appointments were one year terms.

**10. WAIVER OF FULL READING OF RESOLUTIONS.**

No action was taken on this item.

**11. DISCUSSION AND POSSIBLE ACTION ON APPOINTMENT PROCESS FOR 5<sup>TH</sup> BOARD MEMBER.**

Authority Counsel Ditzhazy clarified that the appointment of the fifth member is appointed jointly by the City of Palmdale and the Palmdale Water District and recommended that the Board come to a consensus regarding qualifications for appointment. The Board discussed qualifications. Authority Counsel Ditzhazy stated that staff could send out a proposal regarding experience, education, and residency within the District. Director Dexter stated he felt applicant should reside in the District but does not feel having a background in water is

necessary. Chair Ledford agreed that the applicant could be a layperson. The Board concurred that the applicant should reside in the District.

Public Comment: Robert Alvarado and Lowell Havilland spoke regarding selection of fifth member.

The Board concurred that the fifth member should reside in the boundaries of the district with a one year term. Chair Ledford suggested that staff could create a map displaying the boundaries of the Palmdale Recycled Water Authority.

There was further discussion among the Board of Directors. The Board concurred that they want to allow the fifth member to serve the full one-year term and that the two executives should get together to discuss advertising for the fifth member.

Authority Counsel Ditzhazy stated that the Joint Powers Authority Agreement would have to be amended to provide that the fifth member could not be removed during their one-year term.

**Motion:** Approve amending the Joint Powers Authority Agreement to allow the fifth member to serve a full one-year term.

Moved by Chair Ledford, seconded by Director Mac Laren.

Vote: Motion carried (4-0).

Yes: Chair Ledford and Directors Dexter, Bettencourt and Mac Laren.

## 12. **EXECUTIVE DIRECTOR DISCUSSION REGARDING INITIAL 2013 ACTION PLAN:**

- Recycled Water Facilities Plan
- Palmdale Water Recycled Water Authority By-Laws
- Budget
- Recycled Water Cost Study
- Facilities Status Update
- Re-allocation of Recycled Water
- Grants

Executive Director LaMoreaux spoke regarding the Initial 2013 Action Plan. Assistant Executive Director Mischel spoke regarding allocations and commitment from the County. Executive Director LaMoreaux advised the Board that Palmdale Water District staff will be trained for site preparation and the Board concurred.

**13. DISCUSSION AND POSSIBLE ACTION REGARDING HIRING FACILITIES PLAN CONSULTANT.**

Assistant Executive Director Mischel spoke regarding the scope of work to be done by the Facilities Plan Consultant and advised the Board that he has solicited proposals and is currently negotiating amounts with the consultants regarding the plan to merge the City of Palmdale and Palmdale Water District plans. He also advised the Board that a possible rate study would be done.

The Board discussed and spoke in favor of the actions being taken to hire a Facilities Plan Consultant.

Public Comments: None.

**14. DISCUSSION AND POSSIBLE ACTION ON APPOINTMENT ON AN AD HOC COMMITTEE TO DRAFT PALMDALE RECYCLED WATER AUTHORITY BY-LAWS.**

Authority Counsel Ditzhazy spoke regarding the creation of the Ad Hoc Committee to possibly include Palmdale Water District's firm and the City Attorney's office, the two Executive Directors, and a member from each entity. After Board discussion, the Board suggested creating an Ad Hoc Technical Committee to bring ideas to the Board.

Public Comments: None.

**Motion:** Approve an Ad Hoc Technical Committee, with Board members being appointed later.

Moved by Director Mac Laren, seconded by Director Bettencourt.

Vote: Motion carried (4-0).

Yes: Chair Ledford and Directors Dexter, Bettencourt and Mac Laren.

**15. DISCUSSION AND POSSIBLE ACTION REGARDING BUDGETING.**

Executive Director LaMoreaux presented the Board with a draft budget. Assistant Executive Director Mischel stated that the City must still meet to discuss their budget and may wish to consider waiting until after the fifth member is appointed to the Board.

Public Comments: A gentlemen, who did not give his name, spoke regarding creating a budget for name plates.

There was Board discussion. No action was taken on this item at this time.

**16. DISCUSSION AND POSSIBLE ACTION REGARDING SCHEDULING FUTURE MEETINGS ON THE THIRD WEDNESDAY OF EACH MONTH.**

Authority Counsel Ditzhazy stated a Resolution must be prepared and brought to a future meeting for the Board approval in order to set a regular meeting schedule. The Board discussed setting regular meetings on the third Wednesday of each month and also splitting the meetings between the two locations of the City Hall Council Chambers and the Palmdale Water District.

No action was taken on this item at this time.

Public Comments: Robert Alvarado spoke in favor of the meetings.

**17. PUBLIC COMMENTS:**

None.

Director Bettencourt stated that she is happy that the City and the Palmdale Water District are working together.

Director Mac Laren stated that the partnership is great for progress.

**18. ADJOURN.**

Chair Ledford adjourned the meeting at 8:20 p.m. to Wednesday, February 20, 2013 at 7:00 p.m. in the City of Palmdale City Hall Council Chambers located at 38300 Sierra Highway, Suite B, Palmdale, California.

PASSED, APPROVED, and ADOPTED this 20<sup>th</sup> day of February 2013.

---

James C. Ledford, Jr.  
Chair

ATTEST:

---

Rebecca J. Smith  
Secretary

# **PALMDALE RECYCLED WATER AUTHORITY BOARD MEMORANDUM**

**DATE:** February 13, 2013 February 20, 2013  
**TO:** BOARD OF DIRECTORS Board Meeting  
**FROM:** Wm. Matthew Ditzhazy, Authority Counsel  
**VIA:** Mr. Dennis LaMoreaux, Executive Director, PRWA

**RE:** *AGENDA ITEM NO. 6.4 – CONSIDERATION AND POSSIBLE ACTION ON  
RESOLUTION NO. PRWA 2013-004 – A RESOLUTION OF THE PALMDALE  
RECYCLED WATER AUTHORITY SETTING ITS REGULAR MEETING DATE,  
TIME AND LOCATIONS*

## **Recommendation:**

Palmdale Recycled Water Authority (PRWA) staff recommends adoption of Resolution No. PRWA 2013-004 Setting forth the Authority's Regular Meeting Date, Time and Locations

## **Background:**

At the Authority Meeting of January 16, 2013, the Board directed staff to draw up attached proposed Resolution PRWA No. 2013-004. The proposed Resolution would set the Authority's regular meeting date as the third Wednesday of each month. The regular meeting time will be 7:00 PM. The proposed Resolution also sets two alternating locations for the regular meeting. The regular meetings will alternate between the Palmdale Water District Board Room, located at 2029 East Avenue Q, Palmdale California and the Palmdale City Council Chambers located at 38300 Sierra Highway, Suite "B", Palmdale California. The Authority Board may direct that any given meeting not be held for any reason. In such case, the Authority must provide notice of said adjournment as required by law and cause the notice of adjournment to be posted at both of the regular meeting locations and maintain said posting until the date of the next meeting.

## **Financial Impact:**

No fiscal impact. Facilities are provided by the Members of the JPA creating the PRWA.

## **Supporting Documents:**

Proposed PRWA Resolution No. PRWA 2013-004

**RESOLUTION NO. PRWA 2013-004**

**A RESOLUTION OF THE PALMDALE RECYCLED WATER AUTHORITY  
SETTING ITS REGULAR MEETING DATE, TIME AND LOCATIONS**

WHEREAS, Section 4.5 of the "Joint Exercise of Powers Agreement Creating the Palmdale Recycled Water Authority", hereinafter the "JPA" authorized the Board of the Palmdale Recycled Water Authority, hereinafter the "Board" to adopt a resolution that sets forth its regular meeting dates, times and locations.

WHEREAS, at its organizational meeting held on January 16, 2013, the Board directed staff as to its regular meeting dates, times and locations.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Palmdale Recycled Water Authority:

Section 1. That the regular meetings of the Board of the Palmdale Recycled Water Authority be held on the third Wednesday of each month at 7:00 PM.

Section 2. That the regular meeting location of the Board of the Palmdale Recycled Water Authority be alternated between the Palmdale Water District Board Room, located at 2029 East Avenue Q, Palmdale California and Palmdale City Hall Council Chambers located at 38300 Sierra Highway, Suite "B", Palmdale California.

Section 3. That should the Authority Board direct that any given meeting not be held for any reason, the Authority may adjourn to any future regular meeting date and provide notice of said adjournment as required by law. The Authority Secretary shall cause the notice of adjournment to be posted at both of the meeting locations in Section 2 and maintain said posting until the date of the next meeting. No other notifications shall be required.



Section 4. The Clerk of the Authority shall certify to the passage and adoption of this Resolution and enter it into the official records of the Authority.

PASSED, APPROVED and ADOPTED this 20th day of February, 2013, by the following vote:

AYES: \_\_\_\_\_

NOES: \_\_\_\_\_

ABSTAIN: \_\_\_\_\_ ABSENT: \_\_\_\_\_

\_\_\_\_\_  
James C. Ledford, Jr.,  
Chair

ATTEST:

\_\_\_\_\_  
Rebecca Smith,  
Authority Secretary

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Wm. Matthew Ditzhazy,  
Authority Counsel

# PALMDALE RECYCLED WATER AUTHORITY BOARD MEMORANDUM

**DATE:** February 13, 2013  
**TO:** BOARD OF DIRECTORS  
**FROM:** Mr. Wm. Matthew Ditzhazy, Authority Counsel, PRWA  
**VIA:** Mr. Dennis LaMoreaux, Executive Director, PRWA

February 20, 2013  
Board Meeting

**RE:** *AGENDA ITEM NO. 7.1 – CONSIDERATION AND POSSIBLE ACTION ON  
RESOLUTION PRWA 2013-002 ADOPTING A CONFLICT OF INTEREST CODE*

## **Recommendation:**

Palmdale Recycled Water Authority (PRWA) staff recommends adoption of Resolution PRWA 2013-002 adopting a Conflict of Interest Code.

## **Background:**

Under the Political Reform Act, all public agencies are required to adopt and promulgate a Conflict of Interest Code. A Conflict of Interest Code designates positions required to file Statements of Economic Interests, and assigns disclosure categories specifying the types of interests to be reported. The Statement of Economic Interests is intended to alert the members of the public agency and members of the public to the types of financial interests that may create conflicts of interests. Adoption of Resolution PRWA 2013-002 would adopt a Conflict of Interest Code as required by, and in conformity with, the Political Reform Act. Staff recommends that the Palmdale Recycled Water Authority adopt Resolution PRWA 2013-002.

## **Financial Impact:**

There is no financial impact.

## **Supporting Documents:**

Proposed Resolution PRWA 2013-002.

## **RESOLUTION NO. PRWA 2012-002**

### **A RESOLUTION OF THE PALMDALE RECYCLED WATER AUTHORITY ADOPTING A CONFLICT OF INTEREST CODE**

Section 1. The Political Reform Act, Government Code Section 81000, et seq., requires the Palmdale Recycled Water Authority ("Authority") to adopt a conflict of interest code.

Section 2. The Fair Political Practices Commission has adopted a Model Conflict of Interest Code ("Model Code"). The Model Code, codified at 2 California Code of Regulations Section 18730, can be incorporated by reference by the Authority as its conflict of interest code. That Model Code will be amended by the Fair Political Practices Commission from time to time to conform to amendments to the Political Reform Act.

Section 3. The Model Code, attached hereto as Exhibit "A" and any amendments to it duly adopted by the Fair Political Practices Commission, and Appendix "A" which sets forth the designated positions and the disclosure categories for each position of the Authority are hereby incorporated by reference and shall constitute the Conflict of Interest Code for the Palmdale Recycled Water Authority.

Section 4. Persons holding designated positions listed in Appendix "A" shall file Statements of Economic Interest pursuant to Section 5 of the Conflict of Interest Code with the information required for the disclosure category assigned to them.

Section 5. The Clerk of the Authority shall certify to the passage and adoption of this Resolution and direct this conflict of interest code to the Los Angeles County Board of Supervisors, the Authority's code reviewing body, for review and approval.

PASSED, APPROVED and ADOPTED this 20th day of February, 2013, by the following vote:

AYES: \_\_\_\_\_

NOES: \_\_\_\_\_

ABSENT: \_\_\_\_\_ ABSTAIN: \_\_\_\_\_

\_\_\_\_\_  
James C. Ledford, Jr.,  
Chair

ATTEST:

\_\_\_\_\_  
Rebecca Smith,  
Agency Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Wm. Matthew Ditzhazy,  
Agency Attorney

**APPENDIX "A"**  
**POSITIONS COVERED**

<u>Designated Positions</u>	<u>Disclosure Categories</u>
City of Palmdale Authority Member	1
Palmdale Water District Authority Member	2
At Larger Authority Member	3
Executive Director	3
Authority Attorney	3
Finance Director	4

**PALMDALE RECYCLED WATER AUTHORITY  
DISCLOSURE CATEGORIES**

1. Persons holding designated positions which are assigned a disclosure category of "1" are not required to report under this Conflict of Interest Code because they hold positions with the City of Palmdale which are required to report pursuant to California Government Code Section 87200. Persons in this category "1" are, however, subject to the disqualification provisions of this Code when acting in their official capacity for the Palmdale Recycled Water Authority.
2. Persons holding designated positions which are assigned a disclosure category of "1" are not required to report under this Conflict of Interest Code because they hold positions with the Palmdale Water District which are required to report pursuant to California Government Code Section 87200. Persons in this category "2" are, however, subject to the disqualification provisions of this Code when acting in their official capacity for the Palmdale Recycled Water Authority.
3. Persons holding designated positions which are assigned this category shall disclose income from any source, interests in real property, investments and all business positions in which the designated employee is a director, officer, partner, trustee, employee, or holds any position of management.
4. Persons holding designated positions which are assigned a disclosure category of "4" are not required to report under this Conflict of Interest Code because they hold a position that manages public investments and are required to report pursuant to California Government Code Section 87200. Persons in this category "4" are, however, subject to the disqualification provisions of this Code when acting in their official capacity for the Palmdale Recycled Water Authority.

# **Exhibit A**

## **2 Cal. Code of Regulations Section 18730**

**As of December 18, 2012**

(Regulations of the Fair Political Practices Commission, Title 2, Division 6, California Code of Regulations.)

§ 18730. Provisions of Conflict-of-Interest Codes.

(a) Incorporation by reference of the terms of this regulation along with the designation of employees and the formulation of disclosure categories in the Appendix referred to below constitute the adoption and promulgation of a conflict-of-interest code within the meaning of Section 87300 or the amendment of a conflict-of-interest code within the meaning of Section 87306 if the terms of this regulation are substituted for terms of a conflict-of-interest code already in effect. A code so amended or adopted and promulgated requires the reporting of reportable items in a manner substantially equivalent to the requirements of article 2 of chapter 7 of the Political Reform Act, Sections 81000, et seq. The requirements of a conflict-of-interest code are in addition to other requirements of the Political Reform Act, such as the general prohibition against conflicts of interest contained in Section 87100, and to other state or local laws pertaining to conflicts of interest.

(b) The terms of a conflict-of-interest code amended or adopted and promulgated pursuant to this regulation are as follows:

(1) Section 1. Definitions.

The definitions contained in the Political Reform Act of 1974, regulations of the Fair Political Practices Commission (Regulations 18110, et seq.), and any amendments to the Act or regulations, are incorporated by reference into this conflict-of-interest code.

(2) Section 2. Designated Employees.



The persons holding positions listed in the Appendix are designated employees. It has been determined that these persons make or participate in the making of decisions which may foreseeably have a material effect on economic interests.

(3) Section 3. Disclosure Categories.

This code does not establish any disclosure obligation for those designated employees who are also specified in Section 87200 if they are designated in this code in that same capacity or if the geographical jurisdiction of this agency is the same as or is wholly included within the jurisdiction in which those persons must report their economic interests pursuant to article 2 of chapter 7 of the Political Reform Act, Sections 87200, et seq.

In addition, this code does not establish any disclosure obligation for any designated employees who are designated in a conflict-of-interest code for another agency, if all of the following apply:

(A) The geographical jurisdiction of this agency is the same as or is wholly included within the jurisdiction of the other agency;

(B) The disclosure assigned in the code of the other agency is the same as that required under article 2 of chapter 7 of the Political Reform Act, Section 87200; and

(C) The filing officer is the same for both agencies.<sup>1</sup>

Such persons are covered by this code for disqualification purposes only. With respect to all other designated employees, the disclosure categories set forth in the Appendix specify which kinds of economic interests are reportable. Such a designated employee shall disclose in his or her statement of economic interests those economic interests he or she has which are of the kind described in the disclosure categories to which he or she is assigned in the Appendix. It has been determined that the economic interests set forth in a designated employee's disclosure categories

are the kinds of economic interests which he or she foreseeably can affect materially through the conduct of his or her office.

(4) Section 4. Statements of Economic Interests: Place of Filing.

The code reviewing body shall instruct all designated employees within its code to file statements of economic interests with the agency or with the code reviewing body, as provided by the code reviewing body in the agency's conflict-of-interest code.<sup>2</sup>

(5) Section 5. Statements of Economic Interests: Time of Filing.

(A) Initial Statements. All designated employees employed by the agency on the effective date of this code, as originally adopted, promulgated and approved by the code reviewing body, shall file statements within 30 days after the effective date of this code. Thereafter, each person already in a position when it is designated by an amendment to this code shall file an initial statement within 30 days after the effective date of the amendment.

(B) Assuming Office Statements. All persons assuming designated positions after the effective date of this code shall file statements within 30 days after assuming the designated positions, or if subject to State Senate confirmation, 30 days after being nominated or appointed.

(C) Annual Statements. All designated employees shall file statements no later than April 1.

(D) Leaving Office Statements. All persons who leave designated positions shall file statements within 30 days after leaving office.

(5.5) Section 5.5. Statements for Persons Who Resign Prior to Assuming Office.

Any person who resigns within 12 months of initial appointment, or within 30 days of the date of notice provided by the filing officer to file an assuming office statement, is not deemed to have assumed office or left office, provided he or she did not make or participate in the making

of, or use his or her position to influence any decision and did not receive or become entitled to receive any form of payment as a result of his or her appointment. Such persons shall not file either an assuming or leaving office statement.

(A) Any person who resigns a position within 30 days of the date of a notice from the filing officer shall do both of the following:

(1) File a written resignation with the appointing power; and

(2) File a written statement with the filing officer declaring under penalty of perjury that during the period between appointment and resignation he or she did not make, participate in the making, or use the position to influence any decision of the agency or receive, or become entitled to receive, any form of payment by virtue of being appointed to the position.

(6) Section 6. Contents of and Period Covered by Statements of Economic Interests.

(A) Contents of Initial Statements.

Initial statements shall disclose any reportable investments, interests in real property and business positions held on the effective date of the code and income received during the 12 months prior to the effective date of the code.

(B) Contents of Assuming Office Statements.

Assuming office statements shall disclose any reportable investments, interests in real property and business positions held on the date of assuming office or, if subject to State Senate confirmation or appointment, on the date of nomination, and income received during the 12 months prior to the date of assuming office or the date of being appointed or nominated, respectively.

(C) Contents of Annual Statements. Annual statements shall disclose any reportable investments, interests in real property, income and business positions held or received during the

previous calendar year provided, however, that the period covered by an employee's first annual statement shall begin on the effective date of the code or the date of assuming office whichever is later, or for a board or commission member subject to Section 87302.6, the day after the closing date of the most recent statement filed by the member pursuant to Regulation 18754.

(D) Contents of Leaving Office Statements.

Leaving office statements shall disclose reportable investments, interests in real property, income and business positions held or received during the period between the closing date of the last statement filed and the date of leaving office.

(7) Section 7. Manner of Reporting.

Statements of economic interests shall be made on forms prescribed by the Fair Political Practices Commission and supplied by the agency, and shall contain the following information:

(A) Investment and Real Property Disclosure.

When an investment or an interest in real property<sup>3</sup> is required to be reported,<sup>4</sup> the statement shall contain the following:

1. A statement of the nature of the investment or interest;
2. The name of the business entity in which each investment is held, and a general description of the business activity in which the business entity is engaged;
3. The address or other precise location of the real property;
4. A statement whether the fair market value of the investment or interest in real property equals or exceeds \$2,000, exceeds \$10,000, exceeds \$100,000, or exceeds \$1,000,000.

(B) Personal Income Disclosure. When personal income is required to be reported,<sup>5</sup> the statement shall contain:

1. The name and address of each source of income aggregating \$500 or more in value, or \$50 or more in value if the income was a gift, and a general description of the business activity, if any, of each source;

2. A statement whether the aggregate value of income from each source, or in the case of a loan, the highest amount owed to each source, was \$1,000 or less, greater than \$1,000, greater than \$10,000, or greater than \$100,000;

3. A description of the consideration, if any, for which the income was received;

4. In the case of a gift, the name, address and business activity of the donor and any intermediary through which the gift was made; a description of the gift; the amount or value of the gift; and the date on which the gift was received;

5. In the case of a loan, the annual interest rate and the security, if any, given for the loan and the term of the loan.

(C) Business Entity Income Disclosure. When income of a business entity, including income of a sole proprietorship, is required to be reported,<sup>6</sup> the statement shall contain:

1. The name, address, and a general description of the business activity of the business entity;

2. The name of every person from whom the business entity received payments if the filer's pro rata share of gross receipts from such person was equal to or greater than \$10,000.

(D) Business Position Disclosure. When business positions are required to be reported, a designated employee shall list the name and address of each business entity in which he or she is a director, officer, partner, trustee, employee, or in which he or she holds any position of management, a description of the business activity in which the business entity is engaged, and the designated employee's position with the business entity.

(E) Acquisition or Disposal During Reporting Period. In the case of an annual or leaving office statement, if an investment or an interest in real property was partially or wholly acquired or disposed of during the period covered by the statement, the statement shall contain the date of acquisition or disposal.

(8) Section 8. Prohibition on Receipt of Honoraria.

(A) No member of a state board or commission, and no designated employee of a state or local government agency, shall accept any honorarium from any source, if the member or employee would be required to report the receipt of income or gifts from that source on his or her statement of economic interests. This section shall not apply to any part-time member of the governing board of any public institution of higher education, unless the member is also an elected official.

Subdivisions (a), (b), and (c) of Section 89501 shall apply to the prohibitions in this section.

This section shall not limit or prohibit payments, advances, or reimbursements for travel and related lodging and subsistence authorized by Section 89506.

(8.1) Section 8.1. Prohibition on Receipt of Gifts in Excess of \$420.

(A) No member of a state board or commission, and no designated employee of a state or local government agency, shall accept gifts with a total value of more than \$420 in a calendar year from any single source, if the member or employee would be required to report the receipt of income or gifts from that source on his or her statement of economic interests. This section shall not apply to any part-time member of the governing board of any public institution of higher education, unless the member is also an elected official.

Subdivisions (e), (f), and (g) of Section 89503 shall apply to the prohibitions in this section.

(8.2) Section 8.2. Loans to Public Officials.

(A) No elected officer of a state or local government agency shall, from the date of his or her election to office through the date that he or she vacates office, receive a personal loan from any officer, employee, member, or consultant of the state or local government agency in which the elected officer holds office or over which the elected officer's agency has direction and control.

(B) No public official who is exempt from the state civil service system pursuant to subdivisions (c), (d), (e), (f), and (g) of Section 4 of Article VII of the Constitution shall, while he or she holds office, receive a personal loan from any officer, employee, member, or consultant of the state or local government agency in which the public official holds office or over which the public official's agency has direction and control. This subdivision shall not apply to loans made to a public official whose duties are solely secretarial, clerical, or manual.

(C) No elected officer of a state or local government agency shall, from the date of his or her election to office through the date that he or she vacates office, receive a personal loan from any person who has a contract with the state or local government agency to which that elected officer has been elected or over which that elected officer's agency has direction and control. This subdivision shall not apply to loans made by banks or other financial institutions or to any indebtedness created as part of a retail installment or credit card transaction, if the loan is made or the indebtedness created in the lender's regular course of business on terms available to members of the public without regard to the elected officer's official status.

(D) No public official who is exempt from the state civil service system pursuant to subdivisions (c), (d), (e), (f), and (g) of Section 4 of Article VII of the Constitution shall, while he or she holds office, receive a personal loan from any person who has a contract with the state or local government agency to which that elected officer has been elected or over which that elected officer's agency has direction and control. This subdivision shall not apply to loans made by banks or other financial institutions or to any indebtedness created as part of a retail installment or credit card transaction, if the loan is made or the indebtedness created in the lender's regular course of business on terms available to members of the public without regard to the elected officer's official status. This subdivision shall not apply to loans made to a public official whose duties are solely secretarial, clerical, or manual.

(E) This section shall not apply to the following:

1. Loans made to the campaign committee of an elected officer or candidate for elective office.

2. Loans made by a public official's spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, or first cousin, or the spouse of any such persons, provided that the person making the loan is not acting as an agent or intermediary for any person not otherwise exempted under this section.

3. Loans from a person which, in the aggregate, do not exceed five hundred dollars (\$500) at any given time.

4. Loans made, or offered in writing, before January 1, 1998.

(8.3) Section 8.3. Loan Terms.

(A) Except as set forth in subdivision (B), no elected officer of a state or local government agency shall, from the date of his or her election to office through the date he or she



vacates office, receive a personal loan of \$500 or more, except when the loan is in writing and clearly states the terms of the loan, including the parties to the loan agreement, date of the loan, amount of the loan, term of the loan, date or dates when payments shall be due on the loan and the amount of the payments, and the rate of interest paid on the loan.

(B) This section shall not apply to the following types of loans:

1. Loans made to the campaign committee of the elected officer.
2. Loans made to the elected officer by his or her spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, or first cousin, or the spouse of any such person, provided that the person making the loan is not acting as an agent or intermediary for any person not otherwise exempted under this section.
3. Loans made, or offered in writing, before January 1, 1998.

(C) Nothing in this section shall exempt any person from any other provision of Title 9 of the Government Code.

(8.4) Section 8.4. Personal Loans.

(A) Except as set forth in subdivision (B), a personal loan received by any designated employee shall become a gift to the designated employee for the purposes of this section in the following circumstances:

1. If the loan has a defined date or dates for repayment, when the statute of limitations for filing an action for default has expired.
2. If the loan has no defined date or dates for repayment, when one year has elapsed from the later of the following:
  - a. The date the loan was made.

b. The date the last payment of \$100 or more was made on the loan.

c. The date upon which the debtor has made payments on the loan aggregating to less than \$250 during the previous 12 months.

(B) This section shall not apply to the following types of loans:

1. A loan made to the campaign committee of an elected officer or a candidate for elective office.

2. A loan that would otherwise not be a gift as defined in this title.

3. A loan that would otherwise be a gift as set forth under subdivision (A), but on which the creditor has taken reasonable action to collect the balance due.

4. A loan that would otherwise be a gift as set forth under subdivision (A), but on which the creditor, based on reasonable business considerations, has not undertaken collection action. Except in a criminal action, a creditor who claims that a loan is not a gift on the basis of this paragraph has the burden of proving that the decision for not taking collection action was based on reasonable business considerations.

5. A loan made to a debtor who has filed for bankruptcy and the loan is ultimately discharged in bankruptcy.

(C) Nothing in this section shall exempt any person from any other provisions of Title 9 of the Government Code.

(9) Section 9. Disqualification.

No designated employee shall make, participate in making, or in any way attempt to use his or her official position to influence the making of any governmental decision which he or she knows or has reason to know will have a reasonably foreseeable material financial effect,

distinguishable from its effect on the public generally, on the official or a member of his or her immediate family or on:

(A) Any business entity in which the designated employee has a direct or indirect investment worth \$2,000 or more;

(B) Any real property in which the designated employee has a direct or indirect interest worth \$2,000 or more;

(C) Any source of income, other than gifts and other than loans by a commercial lending institution in the regular course of business on terms available to the public without regard to official status, aggregating \$500 or more in value provided to, received by or promised to the designated employee within 12 months prior to the time when the decision is made;

(D) Any business entity in which the designated employee is a director, officer, partner, trustee, employee, or holds any position of management; or

(E) Any donor of, or any intermediary or agent for a donor of, a gift or gifts aggregating \$420 or more provided to, received by, or promised to the designated employee within 12 months prior to the time when the decision is made.

#### (9.3) Section 9.3. Legally Required Participation.

No designated employee shall be prevented from making or participating in the making of any decision to the extent his or her participation is legally required for the decision to be made. The fact that the vote of a designated employee who is on a voting body is needed to break a tie does not make his or her participation legally required for purposes of this section.

#### (9.5) Section 9.5. Disqualification of State Officers and Employees.

In addition to the general disqualification provisions of section 9, no state administrative official shall make, participate in making, or use his or her official position to influence any

governmental decision directly relating to any contract where the state administrative official knows or has reason to know that any party to the contract is a person with whom the state administrative official, or any member of his or her immediate family has, within 12 months prior to the time when the official action is to be taken:

(A) Engaged in a business transaction or transactions on terms not available to members of the public, regarding any investment or interest in real property; or

(B) Engaged in a business transaction or transactions on terms not available to members of the public regarding the rendering of goods or services totaling in value \$1,000 or more.

(10) Section 10. Disclosure of Disqualifying Interest.

When a designated employee determines that he or she should not make a governmental decision because he or she has a disqualifying interest in it, the determination not to act may be accompanied by disclosure of the disqualifying interest.

(11) Section 11. Assistance of the Commission and Counsel.

Any designated employee who is unsure of his or her duties under this code may request assistance from the Fair Political Practices Commission pursuant to Section 83114 and Regulations 18329 and 18329.5 or from the attorney for his or her agency, provided that nothing in this section requires the attorney for the agency to issue any formal or informal opinion.

(12) Section 12. Violations.

This code has the force and effect of law. Designated employees violating any provision of this code are subject to the administrative, criminal and civil sanctions provided in the Political Reform Act, Sections 81000-91014. In addition, a decision in relation to which a violation of the disqualification provisions of this code or of Section 87100 or 87450 has occurred may be set aside as void pursuant to Section 91003.

---

<sup>1</sup>Designated employees who are required to file statements of economic interests under any other agency's conflict-of-interest code, or under article 2 for a different jurisdiction, may expand their statement of economic interests to cover reportable interests in both jurisdictions, and file copies of this expanded statement with both entities in lieu of filing separate and distinct statements, provided that each copy of such expanded statement filed in place of an original is signed and verified by the designated employee as if it were an original. See Section 81004.

<sup>2</sup>See Section 81010 and Regulation 18115 for the duties of filing officers and persons in agencies who make and retain copies of statements and forward the originals to the filing officer.

<sup>3</sup>For the purpose of disclosure only (not disqualification), an interest in real property does not include the principal residence of the filer.

<sup>4</sup>Investments and interests in real property which have a fair market value of less than \$2,000 are not investments and interests in real property within the meaning of the Political Reform Act. However, investments or interests in real property of an individual include those held by the individual's spouse and dependent children as well as a pro rata share of any investment or interest in real property of any business entity or trust in which the individual, spouse and dependent children own, in the aggregate, a direct, indirect or beneficial interest of 10 percent or greater.

<sup>5</sup>A designated employee's income includes his or her community property interest in the income of his or her spouse but does not include salary or reimbursement for expenses received from a state, local or federal government agency.

<sup>6</sup>Income of a business entity is reportable if the direct, indirect or beneficial interest of the filer and the filer's spouse in the business entity aggregates a 10 percent or greater interest. In

addition, the disclosure of persons who are clients or customers of a business entity is required only if the clients or customers are within one of the disclosure categories of the filer.

Note: Authority cited: Section 83112, Government Code. Reference: Sections 87103(e), 87300-87302, 89501, 89502 and 89503, Government Code.

#### HISTORY

1. New section filed 4-2-80 as an emergency; effective upon filing (Register 80, No. 14).  
Certificate of Compliance included.
2. Editorial correction (Register 80, No. 29).
3. Amendment of subsection (b) filed 1-9-81; effective thirtieth day thereafter (Register 81, No. 2).
4. Amendment of subsection (b)(7)(B)1. filed 1-26-83; effective thirtieth day thereafter (Register 83, No. 5).
5. Amendment of subsection (b)(7)(A) filed 11-10-83; effective thirtieth day thereafter (Register 83, No. 46).
6. Amendment filed 4-13-87; operative 5-13-87 (Register 87, No. 16).
7. Amendment of subsection (b) filed 10-21-88; operative 11-20-88 (Register 88, No. 46).
8. Amendment of subsections (b)(8)(A) and (b)(8)(B) and numerous editorial changes filed 8-28-90; operative 9-27-90 (Reg. 90, No. 42).
9. Amendment of subsections (b)(3), (b)(8) and renumbering of following subsections and amendment of Note filed 8-7-92; operative 9-7-92 (Register 92, No. 32).
10. Amendment of subsection (b)(5.5) and new subsections (b)(5.5)(A)-(A)(2) filed 2-4-93; operative 2-4-93 (Register 93, No. 6).

11. Change without regulatory effect adopting Conflict of Interest Code for California Mental Health Planning Council filed 11-22-93 pursuant to title 1, section 100, California Code of Regulations (Register 93, No. 48). Approved by Fair Political Practices Commission 9-21-93.
12. Change without regulatory effect redesignating Conflict of Interest Code for California Mental Health Planning Council as chapter 62, section 55100 filed 1-4-94 pursuant to title 1, section 100, California Code of Regulations (Register 94, No. 1).
13. Editorial correction adding History 11 and 12 and deleting duplicate section number (Register 94, No. 17).
14. Amendment of subsection (b)(8), designation of subsection (b)(8)(A), new subsection (b)(8)(B), and amendment of subsections (b)(8.1)-(b)(8.1)(B), (b)(9)(E) and Note filed 3-14-95; operative 3-14-95 pursuant to Government Code section 11343.4(d) (Register 95, No. 11).
15. Editorial correction inserting inadvertently omitted language in footnote 4 (Register 96, No. 13).
16. Amendment of subsections (b)(8)(A)-(B) and (b)(8.1)(A), repealer of subsection (b)(8.1)(B), and amendment of subsection (b)(12) filed 10-23-96; operative 10-23-96 pursuant to Government Code section 11343.4(d) (Register 96, No. 43).
17. Amendment of subsections (b)(8.1) and (9)(E) filed 4-9-97; operative 4-9-97 pursuant to Government Code section 11343.4(d) (Register 97, No. 15).
18. Amendment of subsections (b)(7)(B)5., new subsections (b)(8.2)-(b)(8.4)(C) and amendment of Note filed 8-24-98; operative 8-24-98 pursuant to Government Code section 11343.4(d) (Register 98, No. 35).
19. Editorial correction of subsection (a) (Register 98, No. 47).
20. Amendment of subsections (b)(8.1), (b)(8.1)(A) and (b)(9)(E) filed 5-11-99; operative

5-11-99 pursuant to Government Code section 11343.4(d) (Register 99, No. 20).

21. Amendment of subsections (b)(8.1)-(b)(8.1)(A) and (b)(9)(E) filed 12-6-2000; operative 1-1-2001 pursuant to the 1974 version of Government Code section 11380.2 and Title 2, California Code of Regulations, section 18312(d) and (e) (Register 2000, No. 49).

22. Amendment of subsections (b)(3) and (b)(10) filed 1-10-2001; operative 2-1-2001.

Submitted to OAL for filing pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements) (Register 2001, No. 2).

23. Amendment of subsections (b)(7)(A)4., (b)(7)(B)1.-2., (b)(8.2)(E)3., (b)(9)(A)-(C) and footnote 4. filed 2-13-2001. Submitted to OAL for filing pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements) (Register 2001, No. 7).

24. Amendment of subsections (b)(8.1)-(b)(8.1)(A) filed 1-16-2003; operative 1-1-2003.

Submitted to OAL for filing pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements) (Register 2003, No. 3).

25. Editorial correction of History 24 (Register 2003, No. 12).

26. Editorial correction removing extraneous phrase in subsection (b)(9.5)(B) (Register 2004, No. 33).



27. Amendment of subsections (b)(2)-(3), (b)(3)(C), (b)(6)(C), (b)(8.1)-(b)(8.1)(A), (b)(9)(E) and (b)(11)-(12) filed 1-4-2005; operative 1-1-2005 pursuant to Government Code section 11343.4 (Register 2005, No. 1).

28. Amendment of subsection (b)(7)(A)4. filed 10-11-2005; operative 11-10-2005 (Register 2005, No. 41).

29. Amendment of subsections (a), (b)(1), (b)(3), (b)(8.1), (b)(8.1)(A) and (b)(9)(E) filed 12-18-2006; operative 1-1-2007. Submitted to OAL pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements) (Register 2006, No. 51).

30. Amendment of subsections (b)(8.1)-(b)(8.1)(A) and (b)(9)(E) filed 10-31-2008; operative 11-30-2008. Submitted to OAL for filing pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements and not subject to procedural or substantive review by OAL) (Register 2008, No. 44).

31. Amendment of section heading and section filed 11-15-2010; operative 12-15-2010. Submitted to OAL for filing pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements and not subject to procedural or substantive review by OAL) (Register 2010, No. 47).

---

# **PALMDALE RECYCLED WATER AUTHORITY BOARD MEMORANDUM**

**DATE:** February 11, 2013 **February 20, 2013**  
**TO:** BOARD OF DIRECTORS **Board Meeting**  
**FROM:** Mr. Michael Mischel, Assistant Executive Director, PRWA  
**VIA:** Mr. Dennis LaMoreaux, Executive Director, PRWA

**RE: AGENDA ITEM NO. 7.3 – DISCUSSION AND POSSIBLE ACTION ON THE  
RECOMMENDATION REGARDING THE APPOINTMENT OF THE FIFTH  
MEMBER OF THE BOARD OF DIRECTORS.**

## **Recommendation:**

Palmdale Recycled Water Authority (PRWA) staff recommends the Board review the three applicants for the appointment of the fifth member of the Board of Directors.

## **Background:**

The Joint Powers Agreement of the PRWA directs that both members of the PRWA to jointly appoint a fifth director. On January 16, 2013, the Board determined that the fifth director of the Board must reside within the PRWA's boundaries, which is determined as the area within the City of Palmdale and within the Palmdale Water District. On January 28, 2013 a press release was issued and was posted on both Members' websites announcing that the PRWA was accepting applications for the fifth director position. Applications were accepted until the close of business of February 11, 2013.

Three interested people submitted applications for this position and all three applicants reside within the PRWA boundaries. The three applicants are listed alphabetically as follows:

Godin, Linda  
Gonzales, Helen  
Olvera, Angel

## **Financial Impact:**

Per the Joint Powers Agreement for the Authority section 4.11 "Members may provide for compensation and/or reimbursement of expenses to the fifth director, as allowed by law."

## **Supporting Documents:**

The applications for the three applicants are available for review in the City of Palmdale's City Clerk's office.

# PALMDALE RECYCLED WATER AUTHORITY BOARD MEMORANDUM

**DATE:** February 11, 2013 **February 20, 2013**  
**TO:** BOARD OF DIRECTORS **Board Meeting**  
**FROM:** Mr. Michael Mischel, Assistant Executive Director, PRWA  
**VIA:** Mr. Dennis LaMoreaux, Executive Director, PRWA

**RE: AGENDA ITEM NO. 7.4 – DISCUSSION OF STATUS OF RECYCLED WATER ALLOCATION FROM THE SANITATION DISTRICTS OF LOS ANGELES COUNTY.**

## **Recommendation:**

Discuss the status of the recycled water allocation from the Sanitation Districts of Los Angeles County.

## **Background:**

The Sanitation Districts, County Waterworks, the County of Los Angeles, the City of Palmdale, and the City of Lancaster came to an agreement for the allocation of recycled water amongst themselves in July 2012. The general concept being that all effluent generated within the boundary of the City of Palmdale that is tributary to both Sanitation District Nos. 20 and 14 be allocated back to the City. The City, pursuant to the settlement agreement with the District, would make available to the JPA this allocated amount, less any amount needed by the Sanitation Districts for environmental mitigation and less the amount needed for the City Power Plant Project. The Sanitation Districts are in the process of drafting agreements that would make such recycled water available to the JPA.

## **Financial Impact:**

There is no fiscal impact.

## **Supporting Documents:**

The document entitled ANTELOPE VALLEY RECYCLED WATER REUSE dated July 2012.

# **ANTELOPE VALLEY RECYCLED WATER REUSE**

## **July 2012**

### Sanitation Districts Priorities for Reuse

1. Protect Public Health and Environment
2. Comply with Regulatory Requirements
3. Honor Existing Contracts and Habitat Protection Requirements
4. Provide Recycled Water for Reuse:
  - a. First Come, First Served Basis
  - b. Sell or Commit to Users with Viable Projects
  - c. Establish Minimum Payments Whether or Not Users Actually Take Recycled Water
  - d. Limit "Water Reuse Contracts" to Quantities of Recycled Water Produced
5. Agricultural Reuse of Recycled Water

### Existing Water Reuse Contracts

- |  |                 |
|--|-----------------|
| 1. District 14 Contract with LA County Parks and Recreation for Apollo Lakes | 670 ac-ft/yr    |
| 2. Districts 14 and 20 Contract with Waterworks No. 40                       | 13,500 ac-ft/yr |
| 3. Districts 14 and 20 Contract with City of Lancaster                       | 950 ac-ft/yr    |
| 4. Districts 14 and 20 Contract with City of Palmdale                        | 2,000 ac-ft/yr  |
| 5. Waterworks No. 40 contract with City of Palmdale                          | 4,120 ac-ft/yr  |

### Existing Habitat Protection Requirements

1. District 14 with Piute Ponds
  - a. 2,900 ac-ft/yr for evaporative losses each year (estimate)
  - b. 2,200 ac-ft on periodic basis during winter months to flush salts (estimate)

#### Potential Change to Existing Water Reuse Contracts

1. Establish "Allotments" Based on Generation of Wastewater  
  
Lancaster WRP = 81% Lancaster, 14% Palmdale and 5% Unincorporated  
  
Palmdale WRP = 98% Palmdale and 2% Unincorporated
2. Entity Has "First Right" for Reuse of Its Allotment
3. If Entity Exceeds Its Allotment, Can Request and Additional Quantities
4. If Entity Not Using Its Entire Allotment
  - a. Unused Allotment Would Be Available to Others
  - b. Districts Direct Unused Allotment to Agricultural Reuse
5. Update Allotments to Reflect Changes in Wastewater Quantities Due to Growth
6. Quantities of Recycled Water Available on a Daily or Hourly Basis Subject to Detailed Analysis of Variables Such As Diurnal Flow Patterns, Storage Volumes, Evaporative Losses, etc.

In response to requests made at recent meetings to discuss the Recycled Water Backbone Distribution System, the Sanitation Districts will discuss changes to existing contracts to consider establishing "Allotments" to the entities that generate wastewater for treatment at the Lancaster and Palmdale WRPs. Any contract changes would need to be consistent with Sanitation Districts' Priorities for Reuse.

#### Comparison of Potential Allotments

For ease of discussion, only the Apollo Lakes water reuse contract is considered in the following comparison. There are 'overlaps' in the quantities shown in the other four water reuse contracts that would need to be resolved in any contract modifications to incorporate the concept of allotments..

#### **Origin of Wastewater Flows Sanitation Districts Nos. 14 and 20 – 2011 Data**

<b>Plant</b>	<b>Influent Flows</b>		<b>City of Lancaster</b>	<b>City of Palmdale</b>	<b>Unincorporated</b>
	<b>(mgd)</b>	<b>(ac-ft/yr)</b>			
Lancaster WRP	13.9	15,570	81%	14%	5%
Palmdale WRP	9.5	10,640	0	98%	2%
<b>TOTALS</b>	<b>23.4</b>	<b>26,210</b>	<b>48%</b>	<b>48%</b>	<b>4%</b>

*Lancaster WRP: Potential Allotments After Reductions for Apollo Lakes and Piute Ponds*

	<u>Non-Flushing Years</u>	<u>Flushing Years</u>
City of Lancaster	9,720 ac-ft/yr	7,940 ac-ft/yr
City of Palmdale	1,680	1,370
Unincorporated	600	490

*Palmdale WRP: Potential Allotments with No Reductions*

City of Palmdale	10,430 ac-ft/yr
Unincorporated	210

# **PALMDALE RECYCLED WATER AUTHORITY BOARD MEMORANDUM**

**DATE:** February 13, 2013  
**TO:** BOARD OF DIRECTORS  
**FROM:** Wm. Matthew Ditzhazy, Authority Counsel  
**VIA:** Mr. Dennis LaMoreaux, Executive Director, PRWA

February 20, 2013  
Board Meeting

**RE: AGENDA ITEM NO. 7.5 – CONSIDERATION AND POSSIBLE ACTION ON AUTHORITY RECOMMENDATION REGARDING JOINT POWERS AGREEMENT AMENDMENT PROPOSAL TO THE CITY OF PALMDALE AND THE PALMDALE WATER DISTRICT AS TO REMOVAL OF THE FIFTH MEMBER FROM THE AUTHORITY BOARD**

## **Recommendation:**

Palmdale Recycled Water Authority (PRWA) staff recommends that the Authority Board discuss the proposed amendment and recommend that the so-called “fifth member” only be removed upon the affirmative vote of both members of the JPA.

## **Background:**

At the Authority Meeting of January 16, 2013, the Board was concerned about removal of the “fifth member” prior to that member’s one-year term being concluded. Authority Counsel had indicated that there was a possible ambiguity in the Joint Exercise of Powers Agreement Creating the Palmdale Recycled Water Authority (“JPA”) dated 26 September 2012. Two provisions of the JPA are relevant (quoted in pertinent part):

*“4.1 .... The fifth member shall be appointed jointly by both members.”, and*

*“4.4 Each Director who is a member of the Member’s governing body shall serve on the Board for renewable one year terms .... Notwithstanding anything in this Section to the contrary, each Director shall serve at the pleasure of the Member that the Director is representing and such member may remove and replace the Director at any time.”*

The question arose as to what would happen to the fifth director if one of the appointing members withdrew its appointment of the fifth director? The above language is subject to at least two interpretations, one of which would result in removal of the fifth director because he or

she needs approval of *both* JPA Members. Authority Counsel and staff agree that a relatively straightforward amendment may cure the ambiguity.

The proposed amendment to the JPA would be an added paragraph to Section 4.4 and would be as follows:

*“The fifth Director shall serve for renewable one-year terms at the pleasure of both Members. In the case of removal of the fifth Director before the expiration of his or her term, both Members would be required to adopt resolutions for removing said director. Cause for removal need not be stated in the resolutions as the fifth Director serves at the joint pleasure of both Members.”*

Please note that the Authority can only recommend the adoption by the JPA Members (Palmdale Water District Board and the City of Palmdale City Council). If the above proposed amendment meets with the approval of the Authority Board, staff for the respective agencies will have counsel for both Members review the proposed amendment and cause the contract amendment to be added to both agendas for consideration and possible adoption.

**Financial Impact:**

No fiscal impact.

**Supporting Documents:**

A copy of the entire JPA is available to the Authority Board and the public.