

Minutes of the Special Meeting of the Board of Directors of the Santa Clarita Valley Water Agency – January 29, 2018

A special meeting of the Board of Directors of the Santa Clarita Valley Water Agency was held at the Santa Clarita Valley Water Agency, 27234 Bouquet Canyon Road, Santa Clarita, CA 91350, at 6:30 PM on Monday, January 29, 2018. A copy of the Agenda is inserted in the Minute Book of the Agency preceding these minutes.

DIRECTORS PRESENT: Directors B. J. Atkins, Tom Campbell, Ed Colley, Kathy Colley, William Cooper, Dean Efstathiou, Jerry Gladbach, Maria Gutzeit, R. J. Kelly, Gary Martin, Jacque McMillan, Dan Mortensen and Lynne Plambeck were in attendance.

DIRECTORS ABSENT: Robert DiPrimio.

Also present: Matthew Stone, General Manager; Joe Byrne and Tom Bunn, General Counsel; April Jacobs, Board Secretary; Steve Cole, Assistant General Manager; Valerie Pryor, Assistant General Manager; Keith Abercrombie, Chief Operating Officer; Kathie Martin, Public Information Officer; Cris Perez, Director of Tech Services; Jeff Herbert, Senior IT Technician; and members of the public.

President Cooper called the meeting to order at 6:30 PM. A quorum was present.

Upon motion of Director Gladbach, seconded by Director Campbell and carried, the Agenda was approved by the following voice votes (Item 4):

Director Atkins	Yes	Director Campbell	Yes
Director E. Colley	Yes	Director K. Colley	Yes
President Cooper	Yes	Director DiPrimio	Absent
Director Efstathiou	Yes	Director Gladbach	Yes
Vice President Gutzeit	Yes	Vice President Kelly	Yes
Director Martin	Yes	Director McMillan	Yes
Director Mortensen	Yes	Director Plambeck	Yes

Upon motion of Director Colley, seconded by Director Efstathiou and carried, the Board approved Resolution No. SCV-16 authorizing submittal of the Application for Conditions and Plan for Services to LAFCO by the following voice votes (Item 5a):

Director Atkins	Yes	Director Campbell	Yes
Director E. Colley	Yes	Director K. Colley	Yes
President Cooper	Yes	Director DiPrimio	Absent
Director Efstathiou	Yes	Director Gladbach	Yes
Vice President Gutzeit	Yes	Vice President Kelly	Yes
Director Martin	Yes	Director McMillan	Yes
Director Mortensen	Yes	Director Plambeck	Abstained

RESOLUTION NO. SCV-16

**RESOLUTION OF THE BOARD OF DIRECTORS
OF THE SANTA CLARITA VALLEY WATER AGENCY
APPROVING THE SUBMITTAL OF AN APPLICATION FOR CONDITIONS AND A PLAN
FOR SERVICES TO THE LOS ANGELES LOCAL AGENCY FORMATION COMMISSION,
AND FINDING THAT THE SUBMITTAL IS NOT SUBJECT TO CEQA OR, ALTERNATIVELY,
IS EXEMPT**

WHEREAS, on October 15, 2017, Senate Bill 634 was signed into law by Governor Brown, thereby creating the Santa Clarita Valley Water Agency ("SCVWA"); and

WHEREAS, SB 634 requires that on or before January 31, 2018, the SCVWA shall submit an application for conditions addressing the creation of the SCVWA, including among other items a plan for providing services, to the Local Agency Formation Commission ("LAFCO") for the County of Los Angeles (the "Application for Conditions"); and

WHEREAS, the Application for Conditions required by SB 634 is not subject to the California Environmental Quality Act (Pub. Res. Code §§ 21000 et seq.) ("CEQA") because it is not a "project," because the Application for Conditions involves little or no discretion and thus is ministerial in nature, and because the Application for Conditions is exempt from CEQA; and

WHEREAS, the Board of Directors of SCVWA now desires to approve the submittal of the Application for Conditions and plan for services in accordance with SB 634, and

WHEREAS, all other legal prerequisites to the adoption of this Resolution have occurred.

NOW THEREFORE, THE BOARD OF DIRECTORS OF THE SANTA CLARITA VALLEY WATER AGENCY DOES RESOLVE AS FOLLOWS:

SECTION 1. RECITALS

The recitals above are true and correct and are incorporated into this Resolution by reference as findings of fact.

SECTION 2. COMPLIANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

Based upon its review of the entire record, including the Staff Report, any public comments or testimony presented to the Board, the enactment of Senate Bill 634, and the facts outlined below, the Board hereby finds and determines that the actions required from the Agency and from LAFCO by SB 634 are not subject to CEQA for the following reasons:

1. The Application for Conditions is not a "project" under CEQA, and no CEQA review is required.

The creation of the Santa Clarita Valley Water Agency and reorganization actions demanded by SB 634 are legislative acts of the state legislature. The State CEQA Guidelines (14 Cal. Code Regs., § 15000 et seq.) expressly provide that CEQA does not apply to legislation adopted or proposed by the legislature. (State CEQA Guidelines, § 15378(b)(1).) As such, CEQA does not apply to the creation/reorganization of the Agency because it is not a "project" under CEQA. Similarly, the Application for

Conditions demanded by SB 634 extends only to those actions identified in Government Code § 56653 primarily pertaining to organizational, administrative, and financial matters that do not commit the Agency – and do not request any such commitment from LAFCO – to any actions that may result in a direct or reasonably foreseeable indirect impact to the physical environment. Finally, AB 634 requires that the Application for Conditions be submitted by the Agency by January 31st. As such, the Legislature must have intended the Application for Conditions to be submitted without first undergoing CEQA review. Accordingly, the Agency finds that its submission of the Application for Conditions to LAFCO is not a CEQA “project” and that no CEQA review is required.

2. The Application for Conditions is a ministerial action not subject to CEQA

The Application for Conditions is a ministerial action because it involves little or no judgment or discretion by the public agency. (See State CEQA Guidelines, § 15369.) The Application for Conditions is commanded by the legislature in SB 634, and SCVWA exercises little to no discretion in undertaking the submittal of an Application for Conditions mandated by SB 634. CEQA Guidelines section 15268 states that ministerial projects are not subject to the requirements of CEQA. As such, the submittal of an Application for Conditions called for in SB 634 is not subject to CEQA.

3. The Application for Conditions is exempt from CEQA

Even if the Application for Conditions is a “project” and subject to CEQA, it is exempt under State CEQA Guidelines section 15061(b)(3)-Common Sense Exemption. The “common sense exemption” states that a lead agency may find a project exempt from CEQA is “it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.” The Application for Conditions is exempt under State CEQA Guidelines section 15061(b)(3) because it will have no significant effect on the environment—it is an application addressing the creation of the SCVWA and seeking conditions on the creation of the SCVWA, which LAFCO is empowered to do by State law. (Gov. Code, § 56886).

SECTION 3. AUTHORIZATION TO SUBMIT APPLICATION OF CONDITIONS AND PLAN OF SERVICES TO LAFCO

The Board of Directors of the Santa Clarita Valley Water Agency authorizes the submittal of an Application for Conditions and plan for services to the Local Agency Formation Commission for the County of Los Angeles in accordance with Senate Bill 634 and authorizes the General Manager to take the necessary steps on behalf of the SCVWA to submit the Application for Conditions and plan for services. The plan for services shall be substantially in the form presented to the Board.

SECTION 4. CUSTODIAN OF RECORDS

The documents and materials that constitute the record of proceedings on which these findings are based are located at 27234 Bouquet Canyon Road, Santa Clarita, CA 91350. The custodian of the records is the Agency Board Secretary.

SECTION 5. EFFECTIVE DATE

This Resolution shall be effective upon its adoption.

Upon motion of Director Mortensen, seconded by Director Colley and carried, the meeting was adjourned at 7:01 PM by the following voice votes (Item 6):

Director Atkins	Yes	Director Campbell	Yes
Director E. Colley	Yes	Director K. Colley	Yes
President Cooper	Yes	Director DiPrimio	Absent
Director Efstathiou	Yes	Director Gladbach	Yes
Vice President Gutzeit	Yes	Vice President Kelly	Yes
Director Martin	Yes	Director McMillan	Yes
Director Mortensen	Yes	Director Plambeck	Yes



April Jacobs, Board Secretary

ATTEST:



President of the Board

