

ALAMEDA COUNTY WATER DISTRICT FINANCING AUTHORITY

43885 So. Grimmer Boulevard
Fremont, CA 94538

BOARD OF DIRECTORS

A G E N D A

January 13, 2022

5:55 P.M.

ACCESSIBLE PUBLIC MEETINGS: Upon request, ACWD will provide written agenda materials in appropriate alternative formats, or disability-related modification or accommodation, including auxiliary aids or services, to enable individuals with disabilities to participate in public meetings. Please send a written request at least 72 hours before the meeting to the District Secretary, ACWD, 43885 S. Grimmer Blvd., Fremont, CA 94538, or to gina.markou@acwd.com stating your name, mailing address, phone number, and brief description of the requested materials and preferred alternative format or auxiliary aid or service.

MEMBERS OF THE PUBLIC MAY NOT ATTEND THIS MEETING IN PERSON. DUE TO THE COVID-19 PANDEMIC AND IN ACCORDANCE WITH ASSEMBLY BILL 361, WHICH MODIFIES GOVERNMENT CODE SECTION 54953, THIS MEETING WILL BE CONDUCTED BY WEBINAR OR TELECONFERENCE ONLY.

MEMBERS OF THE PUBLIC MAY PARTICIPATE IN THIS MEETING VIA WEBINAR <https://us02web.zoom.us/j/83359856504?pwd=ZkxPUGVHWmVNTi8raFc2UIJGY3kzZz09>, (PASSCODE: **438204**), OR BY CALLING ANY OF THE FOLLOWING PHONE NUMBERS: 1-669-900-9128 or 1-346-248-7799 or 1-301-715-8592 FOLLOWED BY **833 5985 6504**.

MEMBERS OF THE PUBLIC ARE ALSO ENCOURAGED TO SUBMIT COMMENTS TO THE DISTRICT SECRETARY AT gina.markou@acwd.com AT LEAST ONE HOUR PRIOR TO THE SCHEDULED START TIME OF THE MEETING. PLEASE VISIT THE DISTRICT'S WEBSITE (www.acwd.org) REGULARLY TO BE UPDATED ON THE CURRENT SITUATION AS IT AFFECTS PUBLIC MEETINGS.

1. ROLL CALL
2. SALUTE TO THE FLAG

3. PUBLIC COMMENTS

Members of the public may address the Board on any issues not listed on the agenda which are within the purview of the Alameda County Water District Financing Authority. A 5-minute limit is customary; however the Board President may adjust the actual time allotted to accommodate the number of speakers. Members of the public who wish to address the Board on a scheduled agenda item will be given the opportunity to do so.

4. CONSENT CALENDAR

4.1 Approval of Minutes – Regular Board Meeting of January 14, 2021

4.2 Confirmation of Officers

5. STAFF REPORT

5.1 Resolution Making Findings Pursuant to Assembly Bill 361 that the Proclaimed State of Emergency Continues to Impact the Ability to Meet Safely in Person

5.2 Resolution Modifying the Date and Time for Regular Meetings of the Board of Directors

6. ADJOURNMENT

***ALAMEDA COUNTY WATER DISTRICT
FINANCING AUTHORITY
MEMORANDUM***

DATE: January 10, 2022
TO: Board of Directors
FROM: Jonathan Wunderlich
SUBJECT: Consent Calendar Items for Board Meeting of January 13, 2022

Attached for your information are items that will appear under the Consent Calendar.

4.1 Approval of Minutes – Regular Meeting of January 14, 2021

4.2 Confirmation of Officers

The Bylaws for the Alameda County Water District Financing Authority (Authority) require that the confirmation of officers occur at the first meeting of the Authority held in each calendar year.

Therefore, the Board confirms that the officers of the Authority are as follows:

- President of the Authority is the President of the ACWD Board.
- Vice President of the Authority is the Vice President of the ACWD Board.
- Secretary of the Authority is the ACWD District Secretary.
- Treasurer of the Authority is the ACWD Director of Finance.

ghm
Attachments
cc: Executive Staff

Approved JW

January 14, 2021
Fremont, California

A regular meeting of the Board of Directors of ALAMEDA COUNTY WATER DISTRICT FINANCING AUTHORITY (ACWDF) was held on January 14, 2021, at the hour of 5:55 P.M.

Due to COVID-19 and in accordance with Governor Newsom's Executive Order N-25-20 which suspends portions of the Brown Act, this meeting was conducted by Zoom Webinar and Teleconference and members of the public were invited to participate.

Present: Directors John Weed, James Gunther, Judy Huang, Pat Kite, Paul Sethy, and Aziz Akbari

Officers present: President Akbari, Treasurer Jonathan Wunderlich, and Secretary Andrew Warren

President Aziz Akbari presided.

Director Weed led in the Salute to the Flag.

3 – PUBLIC COMMENTS – None

4 – CONSENT CALENDAR

A motion was made by Director Huang seconded by Director Gunther to approve the following items on the Consent Calendar.

4.1 Approval of Minutes – Regular Meeting of January 9, 2020

4.2 Confirmation of Officers

The motion was passed by the following vote:

AYES: Directors Weed, Gunther, Huang, Kite, Sethy, and Akbari

NOES: None

ABSENT None

5 – STAFF REPORT

Mr. Wunderlich provided a brief overview regarding information on the District's current debt. Mr. Wunderlich noted the District is current on all debt obligations.

Discussion ensued and Mr. Wunderlich responded to inquiries by the Board.

Minutes – January 14, 2021

There being no further business to come before the Board, the meeting adjourned at 6:01 P.M.

Andrew Warren, Secretary

Attest:

Aziz Akbari, President

***ALAMEDA COUNTY WATER DISTRICT
FINANCING AUTHORITY
MEMORANDUM***

DATE: January 10, 2022
TO: Board of Directors
FROM: Jonathan Wunderlich
SUBJECT: STAFF REPORT, ACTION CALENDAR ITEMS FOR JANUARY 13, 2022

5.1 RESOLUTION MAKING FINDINGS PURSUANT TO ASSEMBLY BILL 361 THAT THE PROCLAIMED STATE OF EMERGENCY CONTINUES TO IMPACT THE ABILITY TO MEET SAFELY IN PERSON

SUMMARY: The Financing Authority held its regular 2021 public Board meeting virtually, due to the COVID-19 pandemic and in order to maximize social distancing and community and participant safety. Given the ongoing situation of the COVID-19 pandemic, the Board wishes to continue to hold all of its public Board meetings virtually. In order to do so, the Board must make certain findings pursuant to Assembly Bill 361 and will continue to reaffirm these findings every 30 days, until it is deemed safe to return to in-person public Board meetings.

RECOMMENDATION: By motion, adopt a resolution making findings pursuant to Assembly Bill 361 that the proclaimed state of emergency continues to impact the ability to meet safely in person.

DISCUSSION: On March 4, 2020, Governor Newsom declared a State of Emergency for the state of California due to COVID-19. Shortly thereafter, the Governor suspended certain provisions of the Ralph M. Brown Act related to teleconferencing to allow legislative bodies to conduct public meetings remotely, while still being accessible to the public, in order to help protect against the spread of COVID-19, maximize social distancing, and protect the health and safety of the public. This suspension expired September 30, 2021.

On September 16, 2021, the Governor signed Assembly Bill 361 (AB 361) into law as urgency legislation. AB 361 amends Government Code Section 54953 to allow legislative bodies to continue to meet remotely during a proclaimed state of emergency provided certain conditions are met and certain findings are made.

The Finance Authority held its 2021 public Board meeting remotely. Given that the State of emergency remains in effect and with the continuing interest to maximize public health and safety and prevent the spread of COVID-19, the Board of Directors plans to continue to hold its public meetings virtually.

In order to continue meeting virtually during the ongoing State of Emergency, the Board will continue to:

- Ensure all virtual meetings are open to the public and all persons are permitted to attend and participate.
- Provide notice and post agendas and virtual access information.
- Conduct the virtual meetings in a manner that protects the statutory and constitutional rights of the public.
- Provide members of the public access to the meeting and an opportunity to address the Board and provide comments in real time.
- Suspend action on items in the meeting agenda in the event that there is a disruption in the ability of the meeting to be broadcast to members of the public or the ability for members of the public to comment.

The Board will monitor the ongoing situation and will take action as needed.

5.2 RESOLUTION MODIFYING THE DATE AND TIME FOR REGULAR MEETINGS OF THE BOARD OF DIRECTORS

SUMMARY: The by-laws of the Alameda County Water District Financing Authority (Authority) authorize it to update its meeting schedule by Board resolution. Traditionally, the Authority meets annually on the second Thursday of January at 5:55 p.m.; just before the regular January Board meeting of the Alameda County Water District. However, when warranted due to a planned debt issuance, more frequent meetings may be scheduled, as was done during the Authority's last debt issuance in 2015. A debt issuance is planned for early 2022 to 1) refund the Authority's 2012 bonds, and 2) if needed because the State Revolving Fund loan is determined not to be in the best interest of the Alameda County Water District (District), issue new money to fund a portion of the District's Advanced Metering Infrastructure (AMI) project.

RECOMMENDATION: By motion, approve a resolution setting the second Thursday of each month at 5:30 p.m. as the date and time of regular meetings of the Alameda County Water District Financing Authority.

DISCUSSION: The Authority's 2012 bonds can be refunded on a tax-exempt basis effective June 1, 2022. Based on current market conditions, staff anticipates the District can achieve substantial savings by refunding these bonds. Additionally, staff recommends using the proposed refunding process to issue new debt to finance a portion of the AMI project if a determination is made that the State Revolving Fund loan staff is currently pursuing is no longer in the District's best interest.

Staff anticipates the following schedule for the Authority:

- February 10: Receive a presentation summarizing the draft official statement, the proposed debt issuance, and estimated District savings.
- March 10: Authorize the debt issuance and revise the schedule of regular Authority meetings to revert to an annual meeting each January.

Between the February and March meetings, staff intends to finalize the official statement for the debt issuance and meet with rating agencies.

RESOLUTION NO. _____

OF THE BOARD OF DIRECTORS OF ALAMEDA COUNTY WATER DISTRICT
FINANCING AUTHORITY MAKING FINDINGS PURSUANT TO ASSEMBLY
BILL 361 THAT THE PROCLAIMED STATE OF EMERGENCY CONTINUES TO
IMPACT THE ABILITY TO MEET SAFELY IN PERSON

WHEREAS, on March 4, 2020, Governor Newsom declared a State of Emergency to exist in California as a result of the threat of COVID-19;

WHEREAS, on March 17, 2020, the Governor issued Executive Order N-29-20 suspending certain provisions of the Ralph M. Brown Act related to teleconferencing to allow legislative bodies to conduct meetings remotely to help protect against the spread of COVID-19 and to protect the health and safety of the public;

WHEREAS, on June 11, 2021, the Governor issued Executive Order N-08-21, which specified that Executive Order N-29-20 remains in effect through September 30, 2021, and then expires;

WHEREAS, on September 16, 2021, the Governor signed Assembly Bill 361 (AB 361) in to law, as urgency legislation that goes into effect immediately, that amends Government Code Section 54953 to allow legislative bodies to continue to meet remotely during a proclaimed state of emergency provided certain conditions are met and certain findings are made;

WHEREAS, on September 20, 2021, the Governor issued Executive Order N-15-21 that generally suspends the AB 361 amendments to Government Code Section 54953 until October 1, 2021, and therefore clarifying that Executive Order N-29-20 controls through the end of September 2021;

WHEREAS, the Governor's proclaimed State of Emergency remains in effect, and state and local officials, including the Alameda County Health Officer, the California Department of Public Health, and the Department of Industrial Relations, have imposed or recommended measures to promote social distancing; and

WHEREAS, to help protect against the spread of COVID-19 and its variants, and to protect the health and safety of the public, the Board of Directors desires to take the actions necessary to comply with AB 361 and to continue to hold its Board meetings remotely.

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the Alameda County Water District Financing Authority has considered the circumstances of the proclaimed State of Emergency, and finds that the State of Emergency continues to directly impact the ability of the members to meet safely in person, and state or local officials continue to impose or recommend measures to promote social distancing.

BE IT FURTHER RESOLVED that the Authority will comply with the requirements of Government Code Section 54953(e)(2) when holding Board meetings pursuant to this Resolution.

PASSED AND ADOPTED this 13th day of January 2022, by the following vote:

AYES:

NOES:

ABSENT:

John H. Weed, President
Board of Directors
Alameda County Water District
Financing Authority

ATTEST:

APPROVED AS TO FORM:

Gina Markou, Secretary
Alameda County Water District
Financing Authority
(Seal)

Patrick T. Miyaki, Attorney
Alameda County Water District
Financing Authority

RESOLUTION NO. _____

OF THE BOARD OF DIRECTORS OF ALAMEDA COUNTY WATER
DISTRICT FINANCING AUTHORITY MODIFYING THE DATE AND
TIME FOR REGULAR MEETINGS OF THE BOARD OF DIRECTORS

WHEREAS, the Bylaws of the Alameda County Water District Financing Authority ("Authority") provide that the regular meetings of the Authority Board of Directors will be held as fixed by resolution; and

WHEREAS, pursuant to Resolution No. 15-003, adopted on March 12, 2015, the Authority holds its regular Board meetings annually on the second Thursday of January beginning at 5:55 P.M., immediately before the Alameda County Water District Board of Directors meeting; and

WHEREAS, the Authority desires to modify the frequency of its regular Board meetings to monthly due to an upcoming refunding of bonds originally issued by the Authority in 2012 and the potential issuance of new bonds.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Alameda County Water District Financing Authority that the regular meetings of the Alameda County Water District Financing Authority will be held monthly on the second Thursday of each month beginning at 5:30 P.M., immediately before the Alameda County Water District Board of Directors meeting.

PASSED AND ADOPTED this 13th day of January 2022, by the following vote:

AYES:

NOES:

ABSENT:

John H. Weed, President
Board of Directors
Alameda County Water District
Financing Authority

ATTEST:

APPROVED AS TO FORM:

Gina Markou, Secretary
Alameda County Water District
Financing Authority
(Seal)

Patrick T. Miyaki, Attorney
Alameda County Water District
Financing Authority