

Agenda Item

DATE: July 7, 2022

TO: Templeton Community Services District Board of Directors

FROM: Jeff Britz, General Manager

SUBJECT: Continuation of Remote Meetings - Resolution 16-2022 - Compliance with AB 361

RECOMMENDED ACTION: That the Board of Directors, by motion, adopt Resolution 16-2022 which will authorize the continued use of remote teleconferencing for Board and Committee Meetings for the next 30 days.

FISCAL IMPACT: None.

BACKGROUND: The Governor's Executive Orders relating to the relaxing of the Brown Act and permitting remote meetings during the COVID 19 Pandemic expired on September 30, 2021. However, in mid-September 2021, the Governor signed AB 361 into law, providing options for local agencies to continue to hold meetings remotely, under certain circumstances.

AB 361 has amended Government Code Section 54953, adding a new subsection (e) that permits legislative bodies, when there is a proclaimed State of Emergency declared by the Governor pursuant to Government Code Section 8625, to make a determination to authorize meeting remotely via teleconferencing as a result of the emergency. To do so, a resolution would need to be adopted in which the legislative body finds that meeting in person would present imminent risks to the health or safety of attendees, or that State or local officials have imposed or recommended measures to promote social distancing.

The Board approved Resolution 10-2022, making the required findings, at the June 21, 2022 Board Meeting, which provides the Board the ability to hold remote meetings through July 21st, as Resolution 10-2022 is only valid for 30 days. Because of this, Resolution 16-2022 has been drafted for your consideration, and if adopted, would be valid for thirty (30) days, providing the ability to conduct meetings remotely until August 18th. If the State of Emergency remains active after that 30 day period, the Board may act to renew its resolution authorizing remote teleconferenced meetings by

passing another resolution which includes findings that the State of Emergency declaration remains active, the local agency has reconsidered the circumstances of the State of Emergency, and the local agency has either identified: A) ongoing, direct impacts to the ability to meet safely in-person, or B) active social distancing measures as directed by relevant state or local officials.

Resolution 16-2022 has been drafted to include findings based upon a determination that as a result of the proclaimed State of Emergency in California due to the COVID-19 pandemic, and its continued spread in San Luis Obispo County and Templeton through the Omicron variant of SARS-CoV-2, which is more transmissible than prior variants of the virus and that even fully vaccinated individuals can spread the virus to others, holding meetings in person would present imminent risks to the health or safety of attendees.

RESOLUTION 16-2022

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE TEMPLETON COMMUNITY SERVICES DISTRICT MAKING FINDINGS IN ACCORDANCE WITH AB 361 AND GOVERNMENT CODE SECTION 54953(e), AUTHORIZING REMOTE TELECONFERENCE MEETINGS OF THE LEGISLATIVE BODIES OF THE TEMPLETON COMMUNITY SERVICES DISTRICT

WHEREAS, on March 4, 2020 Governor Newsom declared a State of Emergency in the State of California pursuant to Government Code Section 8625 as a result of the threat of the Coronavirus (COVID-19) pandemic, which declaration remains in effect; and

WHEREAS, on September 16, 2021 Governor Newsom signed AB 361, which added subsection (e) to Government Code section 54953 of the Brown Act, and makes provision for remote teleconferencing participation in meetings by members of a legislative body, without compliance with the requirements of Government Code section 54953(b)(3), subject to the existence of certain conditions; and

WHEREAS, a required condition of AB 361 is that a state of emergency is declared by the Governor pursuant to Government Code section 8625, proclaiming the existence of conditions of disaster or of extreme peril to the safety of persons and property within the State caused by conditions as described in Government Code section 8558; and

WHEREAS, in addition to the Governor's proclamation of a State of Emergency, on March 23, 2020 the Board of Directors ("Board") adopted Resolution 3-2020 declaring a State of Emergency to exist in the Templeton Community Services District as a result of the Coronavirus pandemic; and

WHEREAS, there has been a significant increase in COVID-19 cases in San Luis Obispo County due primarily to the Omicron variant of SARS-CoV-2, the virus that causes COVID-19. Emerging evidence indicates that the Omicron variant is far more transmissible than prior variants of the virus and can be spread even by fully vaccinated individuals; and

WHEREAS, on June 21, 2022, the Board of Directors adopted Resolution 10-2022, finding that the requisite conditions exist for the legislative bodies of Templeton Community Services District to conduct remote teleconference meetings without compliance with paragraph (3) of subdivision (b) of section 54953; and

WHEREAS, as a condition of extending the use of the provisions found in section 54953(e), the Board of Directors must reconsider the circumstances of the State of Emergency that exists in the District, and the Board of Directors has done so; and

WHEREAS, the Board of Directors now desires to adopt a Resolution finding that the requisite conditions exist for the legislative bodies of the Templeton Community

Services District, as defined in the Brown Act, to continue to conduct remote teleconference meetings without compliance with paragraph (3) of subdivision (b) of Government Code section 54953.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Templeton Community Services District as follows:

1. The above recitals are true, correct and are incorporated herein by this reference.
2. The Board of Directors of the Templeton Community Services District hereby determines that as a result of the proclaimed State of Emergency in California due to the COVID-19 pandemic, and its continued spread in San Luis Obispo County and Templeton through the Omicron variant of SARS-CoV-2, which is far more transmissible than prior variants of the virus and that even fully vaccinated individuals can spread the virus to others, holding meetings in person would present imminent risks to the health or safety of attendees.
3. The General Manager and legislative bodies of the Templeton Community Services District are hereby authorized and directed to take all actions necessary to carry out the intent and purpose of this Resolution including, continuing to conduct open and public remote teleconferencing meetings in accordance with the requirements of Government Code section 54953(e) and other applicable provisions of the Brown Act.
4. This Resolution shall take effect immediately upon its adoption and shall be effective until the earlier of (i) thirty (30) days after teleconferencing for the first time pursuant to Government Code section 54953(e), or such time that the Board of Directors adopts a subsequent resolution in accordance with Government Code section 54953(e)(3) to extend the time during which the legislative bodies of the Templeton Community Services District may continue to teleconference without compliance with paragraph (3) of subdivision (b) of Government Code section 54953.

Upon motion of _____, seconded by _____, and on the following roll call vote to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

The foregoing resolution is hereby adopted this 19th day of July 2022.

Debra Logan, President
Templeton Community Services District

Attest:

Board Secretary