

Staff Report

TO: Board of Directors

FROM: Jennifer Hanson, General Manager
Kris Stepanian, Board Secretary

DATE: July 13, 2022

SUBJECT: AB 361 Compliance – Brown Act/Covid-19 Teleconference and Remote Meeting Requirements (Consent)

ADMINISTRATION

RECOMMENDATION:

Adopt Resolution No. 2022-39 (Re-Authorizing Remote Meetings Consistent with AB 361).

BACKGROUND:

On October 21, 2021, the Board of Directors adopted Resolution No. 2021-32 (Authorizing Remote Meetings Consistent with AB 361), enabling board members to attend public meetings in person or remotely. The resolution lapses every 30 days. Therefore, subsequent resolutions re-authorizing remote meetings need to be adopted at least every 30-days to remain in effect, and were previously adopted by the Board on the following dates:

- November 10, 2021
- December 8, 2021
- December 15, 2021
- January 12, 2022
- February 9, 2022
- March 9, 2022
- March 23, 2022
- April 13, 2022
- May 11, 2022
- June 8, 2022
- June 22, 2022

Adopting the resolution does not prohibit the public from attending meetings in person. Public attendance will be determined by the Board based on current conditions and health and safety considerations.

In September of 2021, California Legislature and Governor Newsom enacted AB 361, “Open Meetings: State and Local Agencies: Teleconferences.” The bill amends Government Code section 54953 and clarifies Brown Act requirements regarding remotely-attended public meetings.

BUDGETARY IMPACT: None

Attachments: (1)

- Resolution No. 2022-39 (Re-Authorizing Remote Meetings - AB361)



RESOLUTION NO. 2022-39
OF THE BOARD OF DIRECTORS OF THE NEVADA IRRIGATION DISTRICT

RE-AUTHORIZING REMOTE MEETINGS CONSISTENT WITH AB 361

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

WHEREAS, all meetings of Nevada Irrigation District’s legislative bodies are open and public, as required by the Ralph M. Brown Act (Cal. Gov. Code 54950 – 54963), so that any member of the public may attend, participate, and watch the District’s legislative bodies conduct their business; and

WHEREAS, the Brown Act, Government Code section 54953(e), makes provisions for remote participation in meetings by members of a legislative body by audio or video or both, 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 remote meetings is a declaration of a state of emergency 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, it is further required that state or local officials have imposed or recommended measures to promote social distancing, or, the legislative body meeting in person would present imminent risks to the health and safety of attendees; and

WHEREAS, the Board of Directors previously adopted Resolution Number 2021-32 on October 21, 2021, finding that the requisite conditions exist for the District’s legislative bodies to conduct remote 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; and the Board of Directors has done so; and

WHEREAS, emergency conditions persist in the District, specifically, on March 4, 2020, the Governor proclaimed State of Emergency to exist in California due to the COVID-19 pandemic, which proclamation is still active; and

WHEREAS, state and local officials have recommended social distancing measures, including masks, to slow the spread of COVID-19 and the contagious Delta variant, and to protect the vulnerable and immunocompromised members of the community; and

WHEREAS, the Board of Directors does hereby find that the state of emergency continues to directly impact the ability of members to meet in-person; and

WHEREAS, as a consequence of the State of Emergency and recommended social distancing measures, the Board of Directors does hereby find that the legislative bodies of Nevada Irrigation District shall continue to conduct their meetings without compliance with paragraph (3) of subdivision (b) of Government Code section 54953, as authorized by subdivision (e) of section 54953, and that such legislative bodies shall comply with the requirements to provide the public with access to the meetings as prescribed in paragraph (2) of subdivision (e) of section 54953; and

WHEREAS, the public may attend meetings and comment by calling in or by using the Zoom platform as described in meeting agendas.

NOW, THEREFORE, THE BOARD OF DIRECTORS OF NEVADA IRRIGATION DISTRICT DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. Recitals. The Recitals set forth above are true and correct and are incorporated into this Resolution by this reference.

Section 2. Re-ratification of Governor's Proclamation of a State of Emergency. The Board hereby ratifies the Governor of the State of California's Proclamation of State of Emergency, effective as of its issuance date of March 4, 2020.

Section 3. Remote Teleconference Meetings. The District's General Manager, Secretary, and legislative bodies are hereby authorized and directed to take all actions necessary to carry out the intent and purpose of this Resolution including, continuing to conduct open and public meetings in accordance with Government Code section 54953(e) and other applicable provisions of the Brown Act.

Section 4. Effective Date of Resolution. This Resolution shall take effect immediately upon its adoption and shall be effective until the earlier of (i) 30 days from adoption of this Resolution or (ii) such time the Board of Directors adopts a subsequent resolution in accordance with Government Code section 54953(e)(3) to extend the time during which the District's legislative bodies may continue to teleconference without compliance with paragraph (3) of subdivision (b) of section 54953.

PASSED AND ADOPTED by the Board of Directors of the Nevada Irrigation District at a regular meeting held on the 13th day of July 2022, by the following vote:

AYES: Directors:

NOES: Directors:

ABSENT: Directors:

ABSTAINS: Directors:

President of the Board of Directors

Attest:

Secretary to the Board of Directors