

AGENDA STAFF REPORT

MEETING NAME: REGULAR BOARD MEETING(S)
MEETING DATE(S): APRIL 14 & 18, 2022
FROM: LEGAL COUNSEL



FOR: ACTION X DIRECTION INFORMATION

RESOLUTION 2022-05

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE MISSION SPRINGS WATER DISTRICT PROCLAIMING A LOCAL EMERGENCY PERSISTS, RE-RATIFYING THE PROCLAMATION OF A STATE OF EMERGENCY BY EXECUTIVE ORDER N-09-21, AND RE-AUTHORIZING REMOTE TELECONFERENCE MEETINGS OF THE LEGISLATIVE BODIES OF THE MISSION SPRINGS WATER DISTRICT FOR THE PERIOD APRIL 23, 2022 – MAY 23, 2022, PURSUANT TO PROVISIONS OF THE RALPH M. BROWN ACT

STAFF RECOMMENDATION

It is recommended to approve Resolution 2022-05, continuing abbreviated teleconferencing procedures for meetings of legislative bodies of the District, on a month to month basis, for the period of April 23, 2022 through May 23, 2022.

SUMMARY

AB 361 was signed by the Governor on September 16, 2021. The primary purpose of California Assembly Bill 361 (Rivas) is to allow California public agencies to continue holding public meetings remotely, using abbreviated teleconferencing procedures, during the COVID-19 state of emergency. Since the enactment of Governor Gavin Newsom’s Executive Order N-29-20, local legislative bodies in California have been able to hold public meetings by “teleconference” (a term which includes videoconferencing) without complying with all the following Brown Act requirements for teleconference meetings such as:

- Each teleconference location from which a member will be participating in a public meeting or proceeding be identified in the notice and agenda of the public meeting or proceeding.
- Each teleconference location be accessible to the public.
- Members of the public may address the legislative body at each teleconference conference location.
- Agendas posted at all teleconference locations.
- At least one member of the legislative body be physically present at the location specified in the notice of the meeting. (Gov’t Code section 54953.)

Since the enactment of Executive Order N-29-20, local legislative bodies were able to continue the public’s business while safeguarding members of the local body and the public from exposure to COVID-19. Governor Newsom issued Executive Order N-08-21, which, among other things, rescinded Executive Order N-29-20 and set a date of October 1, 2021, for public agencies to transition back to public meetings held in full compliance with the Brown Act.

AB 361 allows continued remote public meetings during a state of emergency using abbreviated teleconferencing procedures. AB 361 was signed by the Governor on September 16, 2021.

As you are aware, the State of California has recently been lifting many COVID related restrictions. Recently posted on the California Department of Public Health’s (CDPH) website is the following:

Please upload all pertinent attachments using the Municode Meetings ADD ITEM function.

- Effective March 1, 2022 , the requirement that unvaccinated individuals mask in indoor public settings will move to a strong recommendation that all persons, regardless of vaccine status, continue indoor masking.
- Universal masking shall remain required in specified high-risk settings.
- After March 11, 2022, the universal masking requirement for K-12 and Childcare settings will terminate. CDPH strongly recommends that individuals in these settings continue to mask in indoor settings when the universal masking requirement lifts.

<https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/guidance-for-face-coverings.aspx>

The current masking requirements in California are:

Masks are required for all individuals in the following indoor settings, regardless of vaccination status.

- Indoors in K-12 schools, childcare (through March 11, 2022)
- On public transit and in transportation hubs
- Emergency shelters and cooling and heating centers
- Healthcare settings
- State and local correctional facilities and detention centers
- Homeless shelters
- Long Term Care Settings & Adult and Senior Care Facilities

Impact on AB 361-- Brown Act--Abbreviated Teleconferencing Procedures

As you may recall, the primary purpose of California Assembly Bill 361 was to allow for California public agencies to continue holding public meetings remotely, using abbreviated teleconferencing procedures, during the COVID-19 state of emergency. **At this time, California remains in a COVID-19 state of emergency.** CDPH's updated guidance does not directly impact the ability of agencies to hold public meetings via abbreviated teleconferencing procedures pursuant to AB 361. AB 361 allows California agencies to hold meetings under the relaxed teleconference rules when the Governor has declared a State of Emergency, and either:

- a. State or local officials recommend or impose social distancing measures, or
- b. The agency finds that meeting in person would threaten the safety of meeting attendees.

Given the foregoing, public agencies may elect to continue to adopt the monthly resolutions to allow remote teleconference meetings using abbreviated teleconferencing procedures.

FISCAL IMPACT AND STRATEGIC PLAN IMPLEMENTATION

None

ATTACHMENTS

Resolution 2022-05

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