

AGENDA STAFF REPORT

MEETING NAME: REGULAR BOARD MEETING(S)

MEETING DATE(S): JANUARY 12 & 17, 2023

FROM: LEGAL COUNSEL

FOR: ACTION X DIRECTION _____ INFORMATION _____



RESOLUTION 2023-01

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 OF JANUARY 23, 2023 - FEBRUARY 22, 2023, PURSUANT TO PROVISIONS OF THE RALPH M. BROWN ACT

STAFF RECOMMENDATION

It is recommended to approve Resolution 2022-30, continuing abbreviated teleconferencing procedures for meetings of legislative bodies of the District, on a month-to-month basis, for the period of January 23, 2023 through February 22, 2023.

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 are 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 Governor Newsom issued Executive Order N-08-21, which, among other things, rescinded Executive Order N-29-20 and set a date of October 1, 2021, for public agencies to transition back to public meetings held in full compliance with the Brown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.

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:

- Effective September 20, 2022, the requirement that unvaccinated individuals mask in indoor public settings will shift from a strong recommendation for the general population, in all indoor settings at all times to the use of CDC Community Levels to help inform masking recommendations, which is consistent with August 11th CDC updated recommendations
- Aligns **correctional facilities** with current CDC recommendations (CDC updated guidance on May 3rd) which notes that correctional facilities may make masks optional when CDC community levels are low.
- Aligns recommendations for **homeless shelters, emergency shelters and cooling centers** to the above recommendation for correctional facilities, i.e., also shifts from requirements to masking recommendations in these settings when CDC community levels are low
- Updated guidance is effective September 23, 2022.
- Universal masking shall remain required in specified high-risk settings.

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

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 2023-01