



September 1, 2022

Board of Directors  
Ventura Regional Sanitation District  
Ventura, California

**CONSIDERATION AND ADOPTION OF PROPOSED VRSD RESOLUTION NO. 22-13 AUTHORIZING CONTINUED USE OF TELECONFERENCE MEETINGS IN ACCORDANCE WITH GOVERNMENT CODE SECTION 54953, SUBDIVISION (e) (AB 361)**

**RECOMMENDATION**

Adopt proposed VRSD Resolution No. 22-13 Authorizing Teleconference Meetings of the Legislative Bodies of the Ventura Regional Sanitation District for the Period of September 1, 2022 through September 30, 2022.

**FISCAL IMPACT**

None.

**BACKGROUND/ANALYSIS**

On September 16, 2021, the Governor signed AB 361 into law and thus amended Government Code §54953 (see Stats. 2021, Ch. 165) to extend the teleconference/remote public meeting authority and waivers provided under prior Executive Orders so long as certain conditions are met and findings are made.

In accordance with AB 361, so long as the State of Emergency declared by the Governor is in effect, the VRSD Board of Directors may choose to continue with teleconference Board Meetings by making the finding, by majority vote, whether as a result of the continuing statewide public health emergency and corresponding public health statistics, meeting in person would present imminent risks to the health or safety of attendees and can conduct remote teleconference meetings without compliance with paragraph (b) (3) of Government Code section 54953.

It is recommended that the Board adopt Resolution No. 22-13 if the Board desires to continue to hold VRSD Board meetings via teleconference.

The AB 361 amended provisions of Government Code §54953 will sunset on January 1, 2024.

If you should have any questions or need additional information, please contact me by phone at (805) 568-4642 or via email at JulietRodriguez@vrsd.com.



JULIET RODRIGUEZ, CLERK OF THE BOARD

APPROVED FOR AGENDA:



Chris Theisen, General Manager

Attachments: 1. Proposed VRSD Resolution No. 22-13

**VENTURA REGIONAL SANITATION DISTRICT**

**BOARD OF DIRECTORS**

**VRSD RESOLUTION NO. 22-13**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE VENTURA REGIONAL SANITATION DISTRICT AUTHORIZING REMOTE TELECONFERENCE MEETINGS OF THE LEGISLATIVE BODIES OF THE VENTURA REGIONAL SANITATION DISTRICT FOR THE PERIOD SEPTEMBER 1, 2022 THROUGH SEPTEMBER 30, 2022**

**WHEREAS**, a state of emergency was declared by Governor Newsom on March 4, 2020 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 (i.e., public health emergency or pandemic related to the spread of COVID-19 and its variants); and

**WHEREAS**, the Ralph M. Brown Act (Gov. Code §54950 *et seq.*) requires that all meetings of a legislative body of a local agency be open and public and that any person may attend and participate in such meetings; and

**WHEREAS**, the Brown Act allows for legislative bodies to hold meetings by teleconference so long as specific requirements are followed; and

**WHEREAS**, on March 17, 2020, in order to allow for such public meetings during the public health emergency or pandemic, Governor Newsom issued Executive Order No. N-29-20, suspending the Brown Act's teleconferencing requirements; and

**WHEREAS**, Assembly Bill No. 361 (AB 361), which amended the Brown Act's teleconferencing provisions in Government Code section 54953 was enacted into law on September 16, 2021 (*see* Stats. 2021, Ch. 165) so that a local agency may use teleconferencing without complying with the regular teleconferencing requirements of the Brown Act when the legislative body holds a public meeting during a proclaimed state of emergency and makes certain findings; and

**WHEREAS**, Governor Newsom's March 2020 declaration of a state of emergency because of the COVID-19 virus is still in place and in effect; and

**WHEREAS**, Government Code section 54953 requires that the legislative body make additional findings every 30 days in order to continue such teleconferencing; and

**WHEREAS**, the Ventura Regional Sanitation District Board approved a series of Resolutions, Numbers 21-06 adopted October 13, 2021; 21-07 adopted November 4, 2021; and 21-08 adopted December 2, 2021, covering public meetings for the time period of October 13, 2021 through December 31, 2021 finding that the requisite conditions existed for the legislative bodies of the District to conduct remote teleconference meetings without compliance with paragraph (b) (3) of section 54953; and

**WHEREAS**, the Board of Directors adopted Resolutions Number 22-01 on January 20, 2022, Resolution 22-02 on February 17, 2022, Resolution 22-03 on April 7, 2022, Resolution 22-04 on May 5, 2022, Resolution 22-05 on June 2, 2022, and Resolution 22-10 on July 21, 2022 finding that the requisite conditions exist for the legislative bodies of the District to conduct remote teleconference meetings without compliance with paragraph (b)(3) of section 54953; and

**WHEREAS**, as a condition of extending the use of the teleconferencing provisions found in section 54953(e), the Board of Directors must reconsider the required circumstances that exists in the District every 30 days, and the Board of Directors has done so.

**NOW, THEREFORE, THE BOARD OF DIRECTORS OF VENTURA REGIONAL SANITATION DISTRICT DOES HEREBY FIND AND RESOLVE AS FOLLOWS:**

- Section 1. The Recitals set forth above are true and correct and are incorporated into this Resolution by this reference.
- Section 2. The Board of Directors of the Ventura Regional Sanitation District finds by a majority vote, that as a result of the proclaimed state of emergency, which is related to the continued spread of the COVID-19 virus and its variants, pursuant to the Governor’s Executive Order (EO) dated March 4, 2020, meeting in person would present imminent risks to the health or safety of attendees; and
- Section 3. The General Manager or his designee is hereby authorized and directed to take all actions necessary to carry out the intent and purpose of this Resolution including, conducting open and public meetings in accordance with Government Code section 54953(e), as amended, and other applicable provisions of the Brown Act.

PASSED AND ADOPTED by the Board of Directors of Ventura Regional Sanitation District, this 1<sup>st</sup> day of September, 2022, by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

Dated: September 1, 2022 VENTURA REGIONAL SANITATION DISTRICT

Approved as to content for District:

By: _____	By: _____
Chris, Theisen General Manager	Laura Hernandez, Chairperson

Approved as to form for District:	By: _____
	Juliet Rodriguez, Clerk of the Board

By: \_\_\_\_\_  
Robert N. Kwong, District Counsel