



November 17, 2022

Board of Directors
Ventura Regional Sanitation District
Ventura, California

CONSIDERATION AND ADOPTION OF PROPOSED VRSD RESOLUTION NO. 22-16 AUTHORIZING CONTINUED USE OF TELECONFERENCE MEETINGS IN ACCORDANCE WITH GOVERNMENT CODE SECTION 54953, SUBDIVISION (e) (AB 361)

RECOMMENDATION

Adopt proposed VRSD Resolution No. 22-16 Authorizing Teleconference Meetings of the Legislative Bodies of the Ventura Regional Sanitation District for the Period of November 17, 2022 through December 17, 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. This enables remote teleconference meetings without compliance with paragraph (b) (3) of Government Code section 54953 (The Ralph M. Brown Act).

It is recommended that the Board adopt Resolution No. 22-16 finding that the continuation of holding VRSD Board meetings via teleconference is justified. Note that Resolution must be approved at least for today's meeting to enable it to take place via teleconference.

The AB 361 amended provisions of Government Code §54953 will sunset on January 1, 2024. The Governor's Emergency Declaration is scheduled to end February 28, 2023. Additional discussion about the VRSD Board returning to in-person meetings will be held under Agenda Item No. 9 on today's agenda.

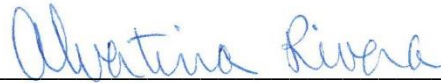
This letter has been reviewed by Legal Counsel as to form.

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



JULIET RODRIGUEZ, CLERK OF THE BOARD

APPROVED FOR FISCAL IMPACT:



Alvertina Rivera, Director of Finance

APPROVED FOR AGENDA:



Chris Theisen, General Manager

Attachments: 1. Proposed VRSD Resolution No. 22-16

VENTURA REGIONAL SANITATION DISTRICT

BOARD OF DIRECTORS

VRSD RESOLUTION NO. 22-16

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 NOVEMBER 17, 2022 THROUGH DECEMBER 17, 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, Resolution 22-10 on July 21, 2022, Resolution 22-13 on September 1, 2022, and Resolution 22-14 on October 6, 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 17th day of November, 2022, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Dated: November 17, 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