

SANTA YNEZ COMMUNITY SERVICES DISTRICT

MEMORANDUM

TO: Board of Directors
FROM: Wendy Berry, Secretary/Treasurer
DATE: May 18, 2022
SUBJECT: Review, Discuss and Consider Adopting District Resolution 22-09

Recommendation

Review, discuss and consider adopting of District Resolution 22-09, a Resolution of the Board of Directors of the Santa Ynez Community Services District Authorizing Continuation of Remote Teleconference Meetings of the District's Legislative Bodies Pursuant to Government Code Section 54953(e) for the period May 18, 2022 to June 15, 2022.

Policy Implications

Adoption of Resolution 22-09 would allow the Board to continue conducting its Board meetings remotely pursuant to Government Code 54953(e) and AB 361.

Fiscal Implications

There are none currently.

Alternatives Considered

The Board elects to not adopt Resolution 22-09 and revert to meeting in person and with the requirements of the Brown Act for any Board member attending the meeting at a remote location.

Discussion

The State of California has passed Assembly Bill 361, this bill, until January 1, 2024, would authorize a local agency to use teleconferencing without complying with the teleconferencing requirements imposed by the Ralph M. Brown Act when a legislative body of a local agency holds a meeting during a declared state of emergency.

AB 361 would require legislative bodies that hold teleconferenced meetings under these abbreviated teleconferencing procedures to give notice of the meeting and post agendas, as described, to allow members of the public to access the meeting and address the legislative body, via a call-in option or an internet-based service option, and to conduct the meeting in a manner that protects the statutory and constitutional rights of the parties and the public appearing before the legislative body.

Since March of 2020 the Board of Directors has conducted its Board meetings under the provisions of Government Code 54953(e), allowing the meetings to be conducted

remotely via teleconferencing without compliance with the requirements of Government Code section 54953(b)(3). The ability to conduct the meetings remotely via teleconference is due to the state of emergency declared by the Governor of California pursuant to Government Code section 8625, due to the pandemic of the Corona virus.

AB 361 requires the district to acknowledged that a state of emergency, declared by the Governor of California exists and that state or local officials have imposed or recommended measures to promote social distancing. The state of emergency declared by Governor Newsom remains in effect along with the attached document titled "Health Officials AB 361 Social Distance Recommendation", issued on September 28, 2021, by the Santa Barbara County Health Department.

The Board originally adopted Resolution 21-12 finding that the requisite conditions existed for the Board of Directors and other legislative bodies of the district to conduct remote teleconference meetings without compliance with Government Code 54953 (b) (3).

If the Board adopts Resolution 22-09, attending meetings by teleconference under AB 361 and Government Code 54953(e) will continue and expire on June 16, 2022 unless, on or before that date and every thirty (30) days thereafter, the Board adopts a subsequent resolution setting forth the findings required by Government Code section 54953(e)(3) to extend the timeframe that the district may continue conducting its public meetings via teleconference in compliance with government Code Section 54953(b)(3).

Attachment
Resolution 22-09

RESOLUTION NO. 22-09

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE SANTA YNEZ
COMMUNITY SERVICES DISTRICT AUTHORIZING CONTINUATION OF
REMOTE TELECONFERENCE MEETINGS OF THE DISTRICT'S LEGISLATIVE
BODIES PURSUANT TO GOVERNMENT CODE SECTION 54953(e)
FOR THE PERIOD May 18, 2022 TO June 16, 2022**

WHEREAS, all meetings the Santa Ynez Community Services District's Board of Directors, standing committees, and other legislative bodies are open and public, as required by the Ralph M. Brown Act (Cal. Gov. Code Sections 54950 – 54963), so that any member of the public may attend, participate, and watch the District's legislative bodies conduct their business; and

WHEREAS, Government Code Section 54953(e) makes provisions for meetings to be conducted by remote teleconferencing without compliance with the requirements of Government Code Section 54953(b)(3), subject to the existence of certain conditions; and

WHEREAS, a required condition for conducting meetings using teleconferencing under Government Code Section 54953(e) is that a state of emergency has been declared by the Governor pursuant to Government Code Section 8625; and

WHEREAS, it is further required as a condition for conducting meetings using teleconferencing under Government Code Section 54953(e) that (i) state or local officials have imposed or recommended measures to promote social distancing, or (ii) meeting in person would present imminent risks to the health and safety of attendees; and

WHEREAS, the District's Board of Directors adopted Resolution No. 21-12 on October 20, 2021 finding that the requisite conditions existed for the Board of Directors and other legislative bodies of the District to conduct remote teleconference meetings without compliance with Government Code Section 54953(b)(3); and

WHEREAS, since to the adoption of Resolution No. 21-12, the District's Board of Directors has, within a period of every thirty (30) days, (i) reconsidered the circumstances of the state of emergency, and (ii) made the findings required to continue conducting meetings using teleconferencing under Government Code Section 54953(e) without compliance with Government Code Section 54953(b)(3); and

WHEREAS, as a condition of further extending the use of the provisions found in Government Code Section 54953(e), the Board of Directors must find that (i) it has reconsidered the circumstances of the state of emergency, and (ii) any of the following circumstances exist:

- The state of emergency continues to directly impact the ability of the members of the District’s legislative bodies to meet safely in person.
- State or local officials continue to impose or recommend measures to promote social distancing; and

WHEREAS, the state of emergency that was declared by Governor Newsom on March 4, 2020 due to COVID-19 remains active and in effect as of the date of this Resolution; and

WHEREAS, local officials continue to impose or recommend measures to promote social distancing, as set forth in the document issued on September 28, 2021 by the Santa Barbara County Health Department entitled “Health Officials AB 361 Social Distance Recommendation,” which document remains in effect as of the date of this Resolution; and

WHEREAS, the Board of Directors desires to set forth herein its findings that the legislative bodies of the District may continue to conduct their meetings without compliance with Government Code Section 54953(b)(3), as authorized by Government Code Section 54953(e).

NOW, THEREFORE, IT IS HEREBY RESOLVED by the Board of Directors of the Santa Ynez Community Services District, as follows:

1. **Findings.** The Board of Directors hereby finds that (i) it has reconsidered the circumstances of the state of emergency declared by Governor Newsom on March 4, 2020 and has determined that such state of emergency remains active, (ii) local officials continue to impose or recommend measures to promote social distancing, and (iii) the legislative bodies of the District are authorized to continue conducting meetings using teleconferencing under Government Code Section 54953(e) without compliance with Government Code Section 54953(b)(3).

2. **Effective Date of Resolution.** This Resolution shall take effect on May 18, 2022, and shall expire on June 16, 2022 unless, on or before that date and every thirty (30) days thereafter, the Board of Directors makes the findings required by Government Code Section 54953(e)(3) to extend the time during which the legislative bodies of the District may continue to teleconference without compliance with Government Code Section 54953(b)(3).

PASSED AND ADOPTED this 18th day of May 2022, by the following vote of the Board of Directors of the Santa Ynez Community Services District:

AYES:

NOES:

ABSENT:

ABSTAIN:

Karen Jones, President of the Board of Directors

ATTEST:

Wendy Berry,
Secretary of the Board of Directors

