



10/17/22

RESOLUTION NO. 221017A

RESOLUTION AUTHORIZING TELECONFERENCE MEETINGS UNDER AB 361

WHEREAS, all meetings of the legislative bodies of the Graton Community Services District (“District”) are open and public, as required by the Ralph M. Brown Act, Government Code Section 54950, *et seq.* (“Brown Act”), and any member of the public may observe, attend, and participate in the business of such legislative bodies;

WHEREAS, on March 3, 2020, Sonoma County declared a state of emergency in response to the rapid spread of the novel coronavirus disease 2019 (“COVID-19”);

WHEREAS, on March 4, 2020, Governor Newsom declared a state of emergency in response to COVID-19;

WHEREAS, on March 17, 2020, in response to the COVID-19 pandemic, Governor Newsom issued Executive Order N-29-20 suspending certain provisions of the Brown Act in order to allow local legislative bodies to conduct meetings telephonically or by other means, after which District staff implemented virtual meetings for all meetings of legislative bodies within the District;

WHEREAS, the legislative bodies of the District, including the Board of Directors (“Board”) and committees, established remote meetings which have allowed the legislative bodies to continue to conduct District business from remote locations while ensuring the public’s continued access to government meetings in a safe manner;

WHEREAS, on June 11, 2021, Governor Newsom issued Executive Order N-08-21, which terminated the provisions of Executive Order N-29-20 that allows local legislative bodies to conduct meetings telephonically or by other means effective September 30, 2021;

WHEREAS, on September 16, 2021, Governor Newsom signed Assembly Bill 361 (2021) (“AB 361”), which amended the Brown Act to allow local legislative bodies to continue to conduct meetings by teleconference under specified conditions and pursuant to special rules on notice, attendance, and other matters;

WHEREAS, AB 361, pursuant to Executive Order N-15-21, took full effect on October 1, 2021 and requires the District to make specific findings to continue meeting under special teleconference rules;

WHEREAS, in addition to finding the Governor has declared a State of Emergency pursuant to Government Code section 8625, such findings include that state or local officials have imposed or recommended measures to promote physical distancing, or, in the alternative, that the legislative body determines that meeting in person would present imminent risks to the health and safety of attendees;



WHEREAS, Governor Newsom has declared a state of emergency due to COVID-19, state and county officials have imposed or recommended measures to promote physical distancing, and the Board has determined that in person meetings of the legislative bodies of the District would present imminent risks to the health and safety of attendees;

WHEREAS, on August 3, 2021, in response to the emergence of the highly contagious Delta variant of COVID-19, which caused an increase in COVID-19 cases throughout the United States, State, and Sonoma County, the Sonoma County Health Officer issued an order for all individuals to wear masks when inside public spaces;

WHEREAS, the Centers for Disease Control and Prevention (“CDC”) continues to recommend physical distancing of at least six feet from others outside of the household;

WHEREAS, Title 8, Section 3205, subdivision (c)(5)(D) of the California Code of Regulations, promulgated by the Division of Occupational Safety and Health of the California Department of Industrial Relations (“Cal/OSHA”), requires employers to provide instruction to employees on using a combination of “physical distancing, face coverings, increased ventilation indoors, and respiratory protection” to decrease the spread of COVID-19;

WHEREAS, “Protecting Workers: Guidance on Mitigating and Preventing the Spread of COVID-19 in the Workplace,” promulgated by the Occupational Safety and Health Administration (“OSHA”) under the United States Department of Labor, provides that “[m]aintaining physical distancing at the workplace for [unvaccinated and at-risk] workers is an important control to limit the spread of COVID-19” and recommends that employers train employees about the airborne nature of COVID-19 and importance of exercising multiple layers of safety measures, including physical distancing, and that employers implement “physical distancing in all communal work areas for unvaccinated and otherwise at-risk workers,” including physical distancing from members of the public, as a “key way to protect such workers”;

WHEREAS, due to the continued threat of COVID-19, the District continues to implement multiple layers of protection against COVID-19, including physical distancing, for the safety of employees and members of the public;

WHEREAS, the Board recognizes the recommendations by state and local officials to use physical distancing as a layer of protection against COVID-19 and desires to continue to provide a safe workplace for its employees and a safe environment for the open and public meetings of all legislative bodies of the District;

WHEREAS, the Board hereby finds that the presence of COVID-19 and the increase of cases due to the Delta variant would present imminent risks to the health or safety of attendees should meetings of the legislative bodies be held in person; and

WHEREAS, the Board shall ensure all meetings of the legislative bodies of the District comply with the special teleconference rules under the Brown Act, as amended by AB 361.



NOW, THEREFORE BE IT RESOLVED by the Graton Community Services District

Board of Directors, as follows:

Section 1. Recitals. The above recitals are true and correct and hereby incorporated into this Resolution.

Section 2. State of Emergency and Imminent Risks to Health and Safety. In compliance with the special teleconference rules of Section 54953 of the Government Code, as established by Assembly Bill 361 (2021), the Board of Directors hereby makes the following findings:

- a. The Board of Directors have considered the circumstances of the state of emergency; and
- b. The states of emergency, as declared by the Governor and Sonoma County, continue to impact directly the ability of all legislative bodies of the Graton Community Services District to safely meet in person; and
- c. The CDC, Cal/OSHA, and OSHA continue to recommend physical distancing of at least six feet to protect against transmission of COVID-19; and
- d. Meeting in person would present imminent risks to the health and safety of attendees, due to the continued presence and threat of COVID-19.

Section 3. Remote Teleconference Meetings. The District's legislative bodies are authorized to continue to meet remotely in compliance with the special teleconference rules of Section 54953 of the Government Code, as amended by Assembly Bill 361 (2021), in order to protect the health and safety of the public.

Section 4. Effective Date of Resolution. This Resolution shall take effect immediately upon its adoption. The Board of Directors will review these findings and the need to conduct meetings by teleconference within 30 days of the adoption of this Resolution in accordance with Government Code section 54953(e)(3).

GRATON COMMUNITY SERVICES DISTRICT

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WHEREUPON, the President declared the above and foregoing Resolution duly adopted and SO ORDERED.

Approved:

David Upchurch
President, Board of Directors
Graton Community Services District

Attest:

Jennifer Butler
Secretary, Board of Directors
Graton Community Services District