

GRATON COMMUNITY SERVICES DISTRICT

250 ROSS LANE • MAIL: PO BOX 534, GRATON, CALIFORNIA 95444 • 707/823-1542 • FAX 707/823-3713



05/16/22

RESOLUTION NO. 220516A

RESOLUTION CONTINUE 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 into law 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,

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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”) has recommended physical distancing of at least six feet from others outside of the household;

WHEREAS, on September 22, 2021, the Sonoma County Public Health Officer issued a recommendation regarding holding public meetings and strongly recommended that public meetings be held via teleconference as those meetings present the lowest risk of transmission of SARS-CoV-2, the virus that causes COVID-19;

WHEREAS, in addition to the Delta variant, the “Omicron” variant has spread across the Bay Area, the state and nationwide, causing an additional spike in COVID-19 cases and creating significantly higher risks of infection and hospitalization;

WHEREAS, despite significant progress, COVID-19 remains a threat to public health and safety in the Sonoma County communities including the District;

WHEREAS, the proclaimed State of Emergency remains in effect;

WHEREAS, because of the rise in cases due to the Delta and Omicron variants, the State continues to strongly recommend face coverings in areas such as public transit, high-risk locations and indoor public settings; similarly, the County Health Department continues to require full vaccination in high-risk settings and workplaces and recommends face coverings in various public settings, and the CDC continues to recommend physical distancing of at least six feet (6’) 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

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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, On October 29, 2021, the Board adopted Resolution No. 211029A making findings and declaring the need for the Board and District legislative bodies to continue meeting remotely in order to ensure the health and safety of the public and authorizing remote teleconference meetings pursuant to Government Code section 54953(e);

WHEREAS, the Board is required to and has continued to, during subsequent Board meetings, make certain findings every thirty (30) days thereafter to continue teleconferencing under Government Code section 54953(e)(3), including reconsideration of the state of emergency declared by the Governor pursuant to Government Code section 8625, and State or local officials continue to impose or recommend measures to promote social distancing;

WHEREAS, due to the continued threat of the Delta and Omicron variants, 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 Sonoma County Public Health Officer has continued to strongly recommend that public meetings be held via teleconference as those meetings present the lowest risk of transmission of SARS-CoV-2, the virus that causes COVID-19;

WHEREAS, this legislative body has determined that conditions continue to exist to re-authorize teleconference meetings under AB 361; specifically, Government Newsom’s proclaimed state of Emergency due to COVID-19 continues to exist, and state and local governments continue to recommend social distancing and masking measures to protect the public from the COVID-19 virus; and

WHEREAS, the Board has reconsidered the circumstances of the Governor’s state of emergency proclamation pursuant to Government Code section 8625, which remains active;

WHEREAS, the circumstances described under the initial Resolution No. 211029A and subsequent resolutions continue to exist and the District continues to be concerned about the health and safety of all individuals who intend to attend Board and District legislative body meetings;

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

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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), and in order to continue to conduct teleconference meetings without complying with the usual teleconference meeting requirements of the Brown Act, the Board of Directors hereby makes the following findings:

- a. The Board of Directors has reconsidered the circumstances of the state of emergency; and
- b. The states of emergency, as declared by the Governor and Sonoma County, continue to exist and impact directly the ability of all legislative bodies of the Graton Community Services District, as well as staff and members of the public, 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 the Sonoma County Public Health Officer continues to strongly recommend that public meetings be held via teleconference as those meetings present the lowest risk of transmission of SARS-CoV-2, the virus that causes COVID-19; and
- d. Meeting in person would present imminent risks to the health and safety of members of the public, Board and committee members, and District employees, 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).

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DIRECTORS:

___ UPCHURCH, ___ BUTLER, ___ WILMARTH, ___ BENFELL ___ (VACANT).

AYES ___; NOES ___; ABSTAIN ___; ABSENT ___.

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