

## **RESOLUTION NO. 2021-05**

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE RODEO SANITARY DISTRICT RATIFYING THE PROCLAMATION OF A STATE OF EMERGENCY BY GOVERNOR NEWSOM ON MARCH 4, 2020 AND AUTHORIZING REMOTE TELECONFERENCE MEETINGS OF THE LEGISLATIVE BODIES OF THE RODEO SANITARY DISTRICT FOR THE PERIOD FROM OCTOBER 12, 2021 THROUGH NOVEMBER 11, 2021 PURSUANT TO BROWN ACT PROVISIONS.

WHEREAS, the Rodeo Sanitary District (also referred to as the "District") is committed to preserving and nurturing public access and participation in meetings of the Board of Directors; and

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

WHEREAS, the Brown Act, Government Code section 54953(e), makes provisions for remote teleconferencing participation in meetings by members of a legislative body, without compliance with the requirements of Government Code section 54953(b)(3), subject to the existence of certain conditions; and

WHEREAS, a required condition is that a state of emergency is declared by the Governor 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; and

WHEREAS, it is further required that state or local officials have imposed or recommended measures to promote social distancing, or, the legislative body meeting in person would present imminent risks to the health and safety of attendees; and

WHEREAS, such conditions now exist in the District, specifically, a State of Emergency for the State of California has been declared by Governor Newsom as a result of the COVID-19 pandemic; and

WHEREAS, while the District believes District work-related activities may be conducted safely in person through imposition of various safety protocols, Board meetings present a unique challenge due to their being open to the public generally, with limited space in the boardroom, and no ability to provide contact tracing for potentially exposed individual attendees; and

WHEREAS, the Board of Directors does hereby find that the Governor's declared State of Emergency, and required access to the Board meetings by the public together with the highly transmissive nature of the COVID-19 virus and its variants has caused, and will continue to cause, conditions of concern to the safety of certain persons within the District, including older and immunocompromised individuals that are likely to be beyond the control of the services, personnel, equipment, and facilities of the District, and the Board of Directors desires to ratify the proclamation of state of emergency by the Governor of the State of California; and

WHEREAS, as a consequence, the Board of Directors does hereby find that the legislative bodies of Rodeo Sanitary District shall be authorized to conduct their meetings without compliance with paragraph (3) of subdivision (b) of Government Code section 54953, as

authorized by subdivision (e) of section 54953, and that such legislative bodies shall comply with the requirements to provide the public with access to the meetings as prescribed in paragraph (2) of subdivision (e) of section 54953; and

NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE RODEO SANITARY DISTRICT DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. Recitals. The Recitals set forth above are true and correct and are incorporated into this Resolution by this reference.

Section 2. Ratification of Governor's Proclamation of a State of Emergency. The Board of Directors hereby ratifies the Governor of the State of California's Proclamation of State of Emergency, effective as of its issuance date of March 4, 2020.

Section 3. Remote Teleconference Meetings. The General Manager, or designee, and legislative bodies of the Rodeo Sanitary District are hereby authorized 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) and other applicable provisions of the Brown Act.

Section 4. Effective Date of Resolution. This Resolution shall take effect immediately upon its adoption and shall be effective until the earlier of (i) November 11, 2021, or (ii) such time the Board of Directors adopts a subsequent resolution in accordance with Government Code section 54953(e)(3) to extend the time during which the legislative bodies of the Rodeo Sanitary District may continue to teleconference without compliance with paragraph (3) of subdivision (b) of section 54953.

PASSED AND ADOPTED by the Board of Directors of the Rodeo Sanitary District, this 12th day of October, 2021, by the following vote:

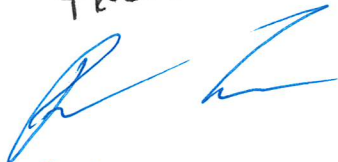
AYES: 3 Richard Frakes - Connie Batchelder - Maureen Brennan

NOES: 0

ABSENT: 2 Janet Callaghan - Angela Noble

ABSTAIN: 0

Connie Batchelder  
President

  
Sec.