

This brief is being provided to inform the Board, staff and public of the details of an agenda item that requires action from the Board. The President of the Board will provide board members, staff, and the public the opportunity to ask questions about this topic when this agenda item is announced.

**Date:** 20 May 2022

**Originator:** General Manager

**Purpose:** Adopt Resolution No. 2021.22-11 – “A Resolution of the Board of Directors of Gold Mountain Community Services District Making Findings and Determinations pursuant to AB361 for Continued Virtual Meetings”

**Supporting Documents Included:** Yes

**Desired Action by the Board:**

The Gold Mountain CSD Board of Directors to continue to hold virtual meetings, ensure the health and safety of Staff, Board Members and the Public from COVID 19 is required pursuant to AB361, to adopt this Resolution every board meeting. This process shall be in place until such a time when the threat of COVID-19 is no longer.

The request of the Board today, is to adopt Resolution No. 2021.22-11 “A Resolution of the Board of Directors of Gold Mountain Community Services District Making Findings and Determinations pursuant to AB361 for Continued Virtual Meetings”

This resolution was drafted with the assistance of our lead counsel Ann Siprelle.

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1. **Anticipated Impacts to the District (negative and/or positive) - (Consider financial impact, change in procedures, customer and staff communication and effect if recommendations are not adopted):**

No negative impacts, positive impact, the potentiality for continued public participation.

2. **Anticipated Impacts to the Customer – Standby, Residential, Commercial:**

All members of the public will continue to have access to all Board Meetings – conducted Virtually through Zoom.

3. **Recommendation (s):**

I recommend we adopt Resolution No. 2021.22-11 “A Resolution of the Board of Directors of Gold Mountain Community Services District Making Findings and Determinations pursuant to AB361 for Continued Virtual Meetings” To ensure the safety and well-being of staff, board members and the public.

**GOLD MOUNTAIN COMMUNITY SERVICES DISTRICT****RESOLUTION NO. 2021/22-11****RESOLUTION OF THE BOARD OF DIRECTORS OF THE GOLD MOUNTAIN COMMUNITY SERVICES DISTRICT (GMCS D) MAKING FINDINGS AND DETERMINATIONS PURSUANT TO AB 361 FOR CONTINUED VIRTUAL MEETINGS.**

**WHEREAS**, the GMCS D is committed to preserving and nurturing public access and participation in meetings of the Board of Directors; and

**WHEREAS**, all meetings of GMCS D’s Board of Directors 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 Board of Directors conduct its 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**, a proclamation is made when there is an actual incident, threat of disaster, or extreme peril to the safety of persons and property within the jurisdictions that are within the District’s boundaries, caused by natural, technological, or human-caused disasters; 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, on March 4, 2020, a state-wide state of emergency was proclaimed by the Governor of the State of California pursuant to section 8625 of the California Emergency Services Act for public health and safety due to the dangers of COVID-19, restricting gatherings and ordering social distancing measures for all businesses, government offices, etc.; and

**WHEREAS**, the proclaimed state of emergency currently remains in effect, and State health officials have imposed social distancing requirements and recommended that government meetings not be held in person due to the increases danger of COVID-19 virus transmission when people from different households meet in enclosed spaces; and

**WHEREAS**, the Board of Directors does hereby find that the heightened transmissibility of the Delta variant of COVID-19 even amongst vaccinated individuals has caused, and will continue to cause, conditions of peril to the safety of persons within the District that are likely to be beyond the control of services, personnel, equipment, and facilities of the District, and desires to proclaim a local emergency and ratify the proclamation of state of emergency by the Governor of the State of California; and

**WHEREAS**, the Board of Directors recognizes that state and local health officials continue to recommend measures to promote social distancing, and the Board desires to continue to hold virtual meetings in accordance with such social distancing measures and so as to limit the imminent risk to the safety of attendees that COVID-19 presents; and

**WHEREAS**, as a consequence of the local and statewide emergency, the Board of Directors does hereby find that the Board of Directors of the GMCSO shall 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

**WHEREAS**, the District's Board of Directors has met and continues to meet through internet videoconference (Zoom) that is accessible to the public on any computer or device that has internet connectivity and allows the public to participate in the meetings as they would at in-person meetings;

**NOW, THEREFORE, THE BOARD OF DIRECTORS OF GOLD MOUNTAIN COMMUNITY SERVICES 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. Proclamation of Local Emergency. The Board hereby proclaims that a local emergency now exists throughout the District and that meeting in person would risk the health of the public, staff and directors through potential spread of COVID-19 through unavoidable close contact at in-person meetings.

Section 3. Ratification of Governor's Proclamation of a State of Emergency. The Board 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 4. Remote Teleconference Meetings. The General Manager and Board of Directors of the GMCSO are 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) and other applicable provisions of the Brown Act.

Section 5. Effective Date of Resolution. This Resolution shall take effect immediately upon its adoption and shall be effective until such time as the Board of Directors makes subsequent findings in accordance with Government Code section 54953(e)(3) to extend the time during which Board of Directors of GMCSO may continue to teleconference without compliance with paragraph (3) of subdivision (b) of section 54953.

**APPROVED AND ADOPTED** this 20th day of May, 2022 by the Board of Directors of the Gold Mountain Community Services District in the County of Plumas in the State of California.

AYES:

NOES:

ABSENT:

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President: Cary Curtis

Gold Mountain CSD Board President

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Attest: Leslie Chrysler

Gold Mountain CSD District Secretary