

## RESOLUTION 2022-03

### A RESOLUTION OF THE MOUND BASIN GROUNDWATER SUSTAINABILITY AGENCY AUTHORIZING THE USE OF TELECONFERENCING FOR PUBLIC MEETINGS UNDER AB 361

**WHEREAS**, the Governor of the State of California (“Governor”) proclaimed a State of Emergency to exist as a result of the threat of COVID-19 (Governor’s Proclamation of a State of Emergency (Mar. 4, 2020)); and

**WHEREAS**, the Governor’s Executive Order No. N-25-20 (Mar. 12, 2020); Executive Order No. N-29-20 (Mar. 17, 2020); and Executive Order No. N-08-21 (Jun. 11, 2021) authorized local legislative bodies to hold public meetings via teleconference and to make those meetings accessible telephonically or otherwise electronically to all members of the public seeking to observe and address the local legislative body, while waiving those provisions of the Brown Act found in Government Code section 54953(b)(3) that require the physical presence or participation of the legislative body or the public, including:

- a) The requirement that state and local bodies notice each teleconference location from which a member will be participating in a public meeting.
- b) The requirement that each teleconference location be accessible to the public.
- c) The requirement that members of the public may address the body at each teleconference location.
- d) The requirement that state and local bodies post agendas at all teleconference locations.
- e) The requirement that, during teleconference meetings, at least a quorum of the members of the local body participate from locations within the boundaries of the territory over which the local body exercises jurisdiction; and

**WHEREAS**, the Governor rescinded Executive Order No. N-25-20 (Mar. 12, 2020); Executive Order No. N-29-20 (Mar. 17, 2020); and Executive Order No. N-08-21 (Jun. 11, 2021) effective September 30, 2021; and

**WHEREAS**, the Center for Disease Control is currently contending with the Delta Variant of the COVID-19 virus and anticipates the development of other potential strains which may further impede public agency operations and prolong the need for social distancing requirements; and

**WHEREAS**, recent legislation (A.B. 361) authorizes a local legislative body to use teleconferencing for a public meeting without complying with the Brown Act’s teleconferencing quorum, meeting notice, and agenda requirements set forth in Government Code section 54953(b)(3), in any of the following circumstances:

- a) The legislative body holds a meeting during a proclaimed state of emergency, and state or local officials have imposed or recommended measures to promote social distancing.

- b) The legislative body holds a meeting during a proclaimed state of emergency for purposes of determining, by majority vote, whether as a result of the emergency, meeting in person would present imminent risks to the health and safety of attendees.
- c) The legislative body holds a meeting during a proclaimed state of emergency and has determined by majority vote pursuant to (b) above that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Directors of the Mound Basin Groundwater Sustainability Agency as follows:

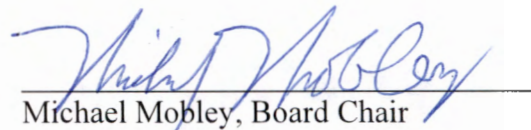
Section 1. Incorporation of Recitals. All the foregoing Recitals are true and correct, and the Board so finds and determines. The Recitals set forth above are incorporated herein and made an operative part of this Resolution.

Section 2. Adoption of AB 361. The Board has determined by majority vote that, because of the emergency, meeting in person would present imminent risks to the health or safety of attendees.


Section 3. Continued Implementation of AB 361. If the state of emergency remains active, or if state or local officials continue to impose or recommend measures to promote social distancing, the Board shall, in order to continue meeting subject to this exemption to the Brown Act, no later than 30 days after it commences using the exemption, and every 30 days thereafter, make the following findings by majority vote:

- a) The legislative body has reconsidered the circumstances of the state of emergency; *and*
- b) Either (1) the state of emergency continues to directly impact the ability of the members to meet safely in person; or (2) state or local officials continue to impose or recommend measures to promote social distancing.

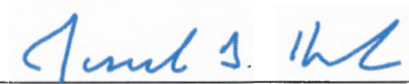
**PASSED, APPROVED AND ADOPTED** this 19th day of May 2022.

  
Michael Mobley, Board Chair

ATTEST:

  
Susan Rungren, Vice-Chair/Secretary

APPROVED AS TO FORM:

  
Joseph Hughes, Mound Basin Groundwater Sustainability Agency General Counsel