

CLOSED SESSION AGENDA
SPECIAL MEETING OF RECLAMATION DISTRICT 900
JANUARY 7, 2022

Martha Guerrero, President

Quirina Orozco, Trustee
Norma Alcala, Trustee

Chris Ledesma, Trustee
Dawnte Early-West, Trustee

Greg Fabun, Interim General Manager/Secretary
Ralph Nevis, District Attorney

3:30 PM Call to Order

AGENCY ATTORNEY

1. PUBLIC EMPLOYMENT – Government Code Section 54957(b)(1).
Title: General Manager

This meeting will be held over a secured Zoom teleconference platform.

I, Greg Fabun, Interim General Manager/Secretary, declare under penalty of perjury that the foregoing agenda for the January 7, 2022, Special Meeting of Reclamation District 900 was posted on January 6, 2022, in the office of the City Clerk of the City of West Sacramento, 1110 West Capitol Avenue, West Sacramento, CA, and at the office of Reclamation District 900, 1420 Merkley Ave., Suite #4, West Sacramento, CA, and was available for public review.



Greg Fabun, General Manager/Secretary

All public materials related to an item on this agenda submitted to the District after distribution of the agenda packet are available for public inspection on the District's website at: www.rd900.org. Any document provided at the meeting by staff will also be available to the public. Any document provided at the meeting by the public will be available the next business day following the meeting.

AGENDA

SPECIAL MEETING OF RECLAMATION DISTRICT 900

JANUARY 7, 2022

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Norma Alcalá, Trustee

Chris Ledesma, Trustee
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Greg Fabun, Interim General Manager/Secretary
Ralph Nevis, District Attorney

4:30 PM CALL TO ORDER

Pursuant to Government Code section 54953, as amended by Assembly Bill 361 (2021), and due to the State of Emergency declared by the Governor on March 4, 2020, members of Reclamation District 900 Board of Trustees and staff will participate in this meeting via a teleconference. To reduce the spread of COVID-19, members of the public may watch the meeting livestream at <https://youtu.be/i-7xN-qPR0Y>. Those members of the public who wish to do so are invited to participate in the meeting via Zoom using the following access information: [Join Zoom Meeting](#); or by phone +1 669 900 6833 US (San Jose). Meeting ID: 872 7495 7460; Passcode: 336290

If you need special assistance to participate in this meeting, please contact RD 900 at 916-371-1483. Notification of at least 48 hours prior to the meeting will assist staff in assuring that reasonable arrangements can be made to provide accessibility to the meeting.

GENERAL ADMINISTRATION – PART I

- 1A. PRESENTATIONS BY THE PUBLIC ON MATTERS NOT ON THE AGENDA WITHIN THE JURISDICTION OF THE DISTRICT. THE AGENCY IS PROHIBITED BY LAW FROM DISCUSSING ISSUES NOT ON THE AGENDA BROUGHT TO THEM AT THIS TIME.
- 1B. REPORT OUT ON CLOSED SESSION

CONSENT AGENDA – PART II

- 2. CONSIDERATION OF RESOLUTION 22-01-01 ADOPTING FINDINGS NECESSARY TO CONTINUE CONDUCTING RECLAMATION DISTRICT 900 BOARD MEETINGS VIA TELECONFERENCE PURSUANT TO ASSEMBLY BILL 361

Comment: This item seeks Board approval to continue remote (teleconference/videoconference) Board meetings by finding, pursuant to Assembly Bill 361 (AB 361), that the Board has reconsidered the circumstances of the state of emergency related to the COVID-19 Pandemic and that the Yolo County Public Health Officer continues to recommend measures to promote social distancing.

REGULAR AGENDA – PART III

- 3. ADJOURN

I, Greg Fabun, Interim General Manager/Secretary, declare under penalty of perjury that the foregoing agenda for the January 7, 2022, Special Meeting of Reclamation District 900 was posted on January 6, 2022, in the office of the City Clerk of the City of West Sacramento, 1110 West Capitol Avenue, West Sacramento, CA, and at the office of Reclamation District 900, 1420 Merkle Ave., Suite #4, West Sacramento, CA, and was available for public review.



Greg Fabun, Interim General Manager/Secretary
Reclamation District 900

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MEETING DATE: January 7, 2022		ITEM # 2	
	SUBJECT:		
	<p align="center">CONSIDERATION OF RESOLUTION 22-01-01 ADOPTING FINDINGS NECESSARY TO CONTINUE CONDUCTING RECLAMATION DISTRICT 900 BOARD MEETINGS VIA TELECONFERENCE PURSUANT TO ASSEMBLY BILL 361</p>		
INITIATED OR REQUESTED BY:		REPORT COORDINATED OR PREPARED BY:	
<input type="checkbox"/> Council <input checked="" type="checkbox"/> Staff		Greg Fabun, Interim General Manager	
<input type="checkbox"/> Other			
ATTACHMENT <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		<input type="checkbox"/> Information	<input type="checkbox"/> Direction <input checked="" type="checkbox"/> Action

OBJECTIVE

The objective of this report is to present sufficient information to the Reclamation District 900 (RD 900/District) Board of Trustees (Board) to continue remote (teleconference/videoconference) Board meetings by finding, pursuant to Assembly Bill 361 (AB 361), that the Board has reconsidered the circumstances of the state of emergency related to the COVID-19 Pandemic and that the Yolo County Public Health Officer continues to recommend measures to promote social distancing.

RECOMMENDED ACTION

Staff respectfully recommends that the Board adopt Resolution 22-01-01 finding that the Board has reconsidered the circumstances of the state of emergency and that the Yolo County Public Health Officer continues to recommend measures to promote social distancing.

BACKGROUND

Prior to the outbreak of the COVID-19 Pandemic (pandemic), the Ralph M. Brown Act (Brown Act) had numerous requirements for local government bodies wishing to meet remotely via teleconference or videoconference. These requirements are outlined in greater detail later in the report, but can generally be described as burdensome and, as a result, few bodies regularly met remotely.

In response to the outbreak of the pandemic, on March 4, 2020, Governor Gavin Newsom proclaimed a state of emergency related to the pandemic. That proclamation applies statewide and remains valid. On March 17, 2020, Governor Newsom issued Executive Order N-29-20 (Executive Order), which temporarily suspended certain Brown Act requirements. Namely, the Executive Order suspended requirements that:

- local bodies notice each teleconference location from which a member participates in a public meeting;
- each teleconference location be accessible to the public;
- members of the public be allowed to address the body at each teleconference conference location;
- the local body post agendas at all teleconference locations; and,
- 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.

Since that time, the Board has been conducting meetings via videoconference under the provisions of the Executive Order. On June 11, 2021—before the delta variant of COVID-19 was widespread in California—the Governor declared that the emergency Brown Act teleconferencing provisions would expire on September 30, 2021.

In light of the surge of COVID-19 spread since that time and recognizing a need for flexibility during future states of emergency, the Legislature passed, and the Governor signed AB 361. This legislation went into effect immediately upon the Governor's signing, September 16, 2021, and amended the Brown Act to add simplified procedures to make it easier to hold remote meetings during a state of emergency proclaimed by the Governor so long as certain other requirements are met.

In summary, the benefits of conducting remote meetings pursuant to AB 361 versus the alternative Brown Act procedure are as follows:

Brown Act Requirements (“Old Rules”)	AB 361 Rules
<ul style="list-style-type: none"> Agendas must be posted at each teleconference location All teleconference locations must be listed on the agenda 	<ul style="list-style-type: none"> Agendas do not need to be posted at each teleconference location
<ul style="list-style-type: none"> Each teleconference location must be accessible to the public, and the public must be allowed to offer comments from each location 	<ul style="list-style-type: none"> Local agencies do not need to allow public participation at each (or any) teleconference location, but instead must “clearly advertise” how members of the public can participate on the agenda Public participation must allow for either a call-in option or an internet-based service option to directly address the body in real-time during public comment In the event the meeting broadcast is disrupted, the meeting must pause until it is restored
<ul style="list-style-type: none"> At least a quorum of the legislative body must be present within the agency’s territory 	<ul style="list-style-type: none"> Legislative body members may participate from anywhere

ANALYSIS

AB 361 requires that legislative bodies make the following findings by majority vote within 30 days of each meeting held under the AB 361 exemptions to the Brown Act in order to continue conducting meetings remotely:

- 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.

The Board’s last meeting was held remotely pursuant to AB 361. The recommendation before the Board is to adopt Resolution 22-01-01 making these findings so that the District’s public meetings may continue via teleconference pursuant to AB 361. Staff recommends adopting the resolution at this time so that the Board may continue to meet via teleconference at its January 20, 2022, meeting. The conditions set forth by AB 361 allowing the continuation of meetings under certain exemptions from the Brown Act remain in place as both the Governor’s proclamation of state of emergency and the Yolo County Health Officer’s recommended measures to support social distancing are in effect.

Alternatives

The District’s primary alternatives are as follows.

- 1. Adopt Resolution 22-01-01, making the findings required by AB 361; or
- 2. Adopt Resolution 22-01-01, making the findings required by AB 361 with directed revisions; or
- 3. Decline to adopt Resolution 22-01-01, thereby not making the findings required by AB 361.

Staff is prepared to implement Alternative 1. Staff would discourage any substantive revisions under Alternative 2, as such revisions may not comply with AB 361. Staff would also discourage Alternative 3 as the Yolo County Health Officer’s guidance is to avoid large in person gatherings due to the COVID-19 pandemic.

Coordination and Review

This report was prepared in coordination with District counsel.

Budget/Cost Impact

There is no direct budget or cost impact associated with this item.

ATTACHMENT

1. Yolo County Health Officer's Memorandum Recommending Continuation of Remote Public Meetings
2. Resolution 22-01-01



COUNTY OF YOLO

Health and Human Services Agency

Karen Larsen, LMFT
Director

Aimee Sisson, MD, MPH
Health Officer

MAILING ADDRESS
137 N. Cottonwood Street • Woodland, CA 95695
www.yolocounty.org

Date: September 22, 2021

To: All Yolo County Boards and Commissions

From: Dr. Aimee Sisson, Health Officer

Subject: Remote Public Meetings

In light of the ongoing public health emergency related to COVID-19 and the high level of community transmission of the virus that causes COVID-19, the Yolo County Public Health Officer recommends that public bodies continue to meet remotely to the extent possible. Board and Commissions can utilize the provisions of newly-enacted AB 361 to maintain remote meetings under the Ralph M. Brown Act and similar laws.

Among other reasons, the grounds for the remote meeting recommendation include:

- The continued threat of COVID-19 to the community. As of September 22, 2021, the current case rate is 24.1 cases per 100,000 residents per day. This case rate is considered “high” under the Centers for Disease Control and Prevention’s (CDC) framework for assessing community COVID-19 transmission; and
- The unique characteristics of public governmental meetings, including the increased mixing associated with bringing together people from across the community, the need to enable those who are immunocompromised or unvaccinated to be able to safely continue to fully participate in public governmental meetings, and the challenges of ensuring compliance with safety requirements and recommendations at such meetings.

Meetings that cannot feasibly be held virtually should be held outdoors when possible, or indoors only in small groups with face coverings, maximal physical distance between participants, use of a portable HEPA filter (unless comparable filtration is provided through facility HVAC systems), and shortened meeting times.

This recommendation is based upon current conditions and available protective measures. The Public Health Officer will continue to evaluate this recommendation on an ongoing basis and will communicate when there is no longer such a recommendation with respect to meetings for public bodies.

Davis

600 A Street
Davis, CA 95616
Mental Health (530) 757-5530

West Sacramento

500 Jefferson Boulevard
West Sacramento, CA 95605
Service Center (916) 375-6200
Mental Health (916) 375-6350
Public Health (916) 375-6380

Winters

111 East Grant Avenue
Winters, CA 95694
Service Center (530) 406-4444

Woodland

25 & 137 N. Cottonwood Street
Woodland, CA 95695
Service Center (530) 661-2750
Mental Health (530) 666-8630
Public Health (530) 666-8645

Attachment 2

RESOLUTION 22-01-01

A RESOLUTION OF RECLAMATION DISTRICT 900 ADOPTING FINDINGS NECESSARY TO CONTINUE CONDUCTING BOARD MEETINGS VIA TELECONFERENCE PURSUANT TO ASSEMBLY BILL 361

WHEREAS, since March 17, 2020, the Reclamation District 900 Board of Trustees (Board) has been meeting via video conference under certain exemptions from the Brown Act pursuant to Executive Order N-29-20; and

WHEREAS, on September 16, 2021, the Governor signed into law Assembly Bill (AB) 361 which created exemptions from some of the Brown Act requirements regarding teleconference or videoconference public meetings during declared states of emergency so long as certain other conditions are met (Government Code Section (54953(e))); and

WHEREAS, the Board met for the first time pursuant to AB 361 for its October 2021, regular meeting as allowed by AB 361; and

WHEREAS, the Board adopted Resolutions 21-10-01, 21-11-01 and 12-12-01 at its October, November and December 2021 regular meetings, respectively, making findings to allow continued meetings by teleconference as allowed by AB 361; and

WHEREAS, the law requires legislative bodies to make certain findings pursuant to AB 361 in order to continue meeting via teleconference under the Brown Act; and

WHEREAS, pursuant to Government Code section 8635 et seq., the Board has the authority during a state of emergency to take all actions necessary to perform its functions in the preservation of law and order, preservation of the furnishing of local services, and protection of life and property, which includes the authority to direct meetings to be held via teleconference pursuant to this Resolution; and

WHEREAS, the Governor's proclaimed state of emergency due to the COVID-19 pandemic dated March 4, 2020, applies statewide and remains in place; and

WHEREAS, the Yolo County Health Officer continues to recommend social distancing measures in the interest of public health.

NOW, THEREFORE, IT IS HEREBY PROCLAIMED AND ORDERED that:

1. A state of emergency proclaimed by the Governor remains in effect related to the COVID-19 pandemic; and
2. The Reclamation District 900 Board of Trustees has reconsidered the circumstances of the state of emergency; and
3. Local officials (the Yolo County Health Officer) continue to recommend measures to promote social distancing; and
4. The Reclamation District Board of Trustees may continue to meet via teleconference pursuant to Government Code Section (54953(e)).

PASSED AND ADOPTED this 7th day of January 2022, by the following vote:

AYES:

NOES:

ABSENT:

Martha Guerrero, RD 900 President

ATTEST:

Ralph R. Nevis, RD 900 Attorney