

# Olivehurst Public Utility District



## Agenda Item Staff Report

Meeting Date: March 17, 2022

### Item description/summary:

**Discuss approving Resolution No. 2389, a resolution authorizing teleconference meetings in compliance with AB 361.** Per AB 361, in order to continue teleconference/virtual meetings, OPUD's Board of Directors must, by a majority vote, determine that meeting in person would present imminent risks to the health or safety of attendees unless the District is located in a region where state or local officials require or recommend social distancing.

Currently, Yuba County Department of Health's website states that "Physical distancing and capacity limits for businesses and activities are over. Guidance for specific industries has ended. But employers are still responsible for maintaining safe environments for employees and customers."

The State of California Department of Health's website states that "Effective March 1, 2022, the requirement that unvaccinated individuals mask in indoor public settings will move to a strong recommendation that all persons, regardless of vaccine status, continue indoor masking" and that "Universal masking shall remain required in specified high-risk settings."

Additional information regarding AB361 or the Brown Act has not been updated as of yet and the State of California is still in a state of emergency for COVID-19.

### Fiscal Analysis:

N/A

### Employee Feedback

None

### Sample Motion:

Determine if meeting in person would present imminent risk to the health or safety of attendees. Move to approve/not approve Resolution No. 2389, a resolution authorizing teleconference meetings in compliance with AB 361.

Prepared by:

Bri Anne Ritchie, Board Clerk

**RESOLUTION NO. 2389**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE  
OLIVEHURST PUBLIC UTILITY DISTRICT  
PURSUANT TO GOVERNMENT CODE SECTION 54952(b)  
AUTHORIZING TELECONFERENCE MEETINGS IN COMPLIANCE WITH  
AB 361 (GOVERNMENT CODE SECTION 54953(e))  
TO CONTINUE TO ALLOW MEMBERS OF THE PUBLIC  
TO SAFELY PARTICIPATE IN LOCAL GOVERNMENT MEETINGS**

**WHEREAS**, the Olivehurst Public Utility District is committed to preserving and nurturing public access to observe and participate in local government meetings; and

**WHEREAS**, all meetings of Olivehurst Public Utility District's legislative bodies are open and public, as required by the Ralph M. Brown Act, so that any member of the public may observe and participate in local government meetings; and

**WHEREAS**, Government Code section 54953(e) makes provisions for remote teleconferencing participation in local government meetings, without compliance with the requirements of 54953(b)(3), during a Governor-proclaimed state of emergency and if the local legislative body determines, by majority vote, that as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees, and

**WHEREAS**, on March 4, 2020, Governor Newsom proclaimed a State of Emergency due to the outbreak of respiratory illness due to a novel coronavirus (now known as COVID 19) and that State of Emergency is still in effect in the State of California; and

**WHEREAS**, COVID-19 continues to threaten the health and lives of City residents; and

**WHEREAS**, the SARS-CoV-2 Delta Variant (Delta Variant) is highly transmissible in indoor settings; and

**WHEREAS**, on July 28, 2021, the California Department of Public Health issued guidance calling for the use of face coverings and stating that the Delta Variant is two times as contagious as early COVID-19 variants, leading to increasing infections, the Delta Variant accounts for over 80% of cases sequenced, and cases and hospitalizations of COVID-19 are rising throughout the state; and

**WHEREAS**, the Delta Variant has caused, and will continue to cause, conditions of imminent peril to the health safety of persons within the City; and

**WHEREAS**, the Board of Directors, acting as a legislative body pursuant to Government Code section 54952(a) and for the benefit of the commissions, committees and other bodies that were created by the Board of Directors pursuant to Government Code section 54952(b) (collectively referred to as "Legislative Bodies"), finds that the current conditions meet the circumstances set forth in Government Code section 54953(e)(3) to allow Legislative Bodies to continue to use teleconferencing to hold open and public meetings if the Legislative Bodies comply with the requirements set forth in Government Code section 54953(e)(2) to ensure the public can safely participate in and observe local government meetings.

**NOW, THEREFORE, THE BOARD OF DIRECTORS OF OLIVEHURST PUBLIC UTILITY 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. Find that Current Conditions Authorize Teleconference Public Meetings of Legislative Bodies. Based on the California Governor’s continued declaration of a State of Emergency and current conditions, the Board of Directors finds that meeting in person would present imminent risks to the health or safety of attendees, such that the conditions continue to exist pursuant to Government Code section 54953(e)(3) to allow Legislative Bodies to use teleconferencing to hold public meetings in accordance with Government Code section 54953(e)(2) to ensure members of the public have continued access to safely observe and participate in local government meetings.

Section 3. Authorize Legislative Bodies to Conduct Teleconference Meetings. The Legislative Bodies 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)(2) and other applicable provisions of the Brown Act, and continuing its existing procedures to ensure members of the public have continued access to safely observe and participate in local government meetings.

Section 4. Effective Date of Resolution. This Resolution shall take effect immediately upon its adoption and shall be effective until the earlier of (i) April 16, 2022, or such time as 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 Olivehurst Public Utility District may continue to teleconference in accordance with Government Code section 54953(e)(2) and other applicable provisions of the Brown Act.

PASSED AND ADOPTED by the Board of Directors of Olivehurst Public Utility District, this 17<sup>th</sup> day of March, 2022, by the following vote:

SO ORDERED.

OLIVEHURST PUBLIC UTILITY DISTRICT

\_\_\_\_\_  
President, Board of Directors

ATTEST:

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

\_\_\_\_\_  
District Clerk and Ex-Officio Secretary

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Deirdre Joan Cox, Legal Counsel

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I hereby certify that the foregoing is a full, true, and correct copy of a Resolution duly adopted and passed by the Board of Directors of the Olivehurst Public Utility District, Yuba County, California, at a meeting thereof held on the 17<sup>th</sup> day of March, 2022, by the following vote:

AYES, AND IN FAVOR THEREOF:

NOES:

ABSTAIN:

ABSENT:

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District Clerk and ex-officio Secretary