RESOLUTION NO. 21-02

RESOLUTION OF THE BOARD OF DIRECTORS OF RECLAMATION DISTRICT NO. 830 AUTHORIZING THE USE OF TELECONFERENCE MEETINGS IN COMPLIANCE WITH AB 361

WHEREAS, the Reclamation District No. 830 is committed to preserving and nurturing public access and participation in meetings of the Board of Directors; and

WHEREAS, all meetings of Reclamation District No. 830's legislative bodies are open and public, as required by the Ralph M. Brown Act (Cal. Gov. Code 54950 – 54963); 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, one condition required to permit teleconferencing under Government Code section 54953(e) is that a state of emergency is declared by the Governor pursuant to Government Code section 8625, proclaiming the existence of certain emergency conditions as described in Government Code section 8558; and

WHEREAS, a second condition required to permit teleconferencing Government Code section 54953(e) is that state or local officials either impose or recommend measures to promote social distancing, or, a finding that 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; and

WHEREAS, on March 4, 2020, Governor Newsom issued a Proclamation of a State of Emergency in response to the rapid spread of the highly contagious disease known as COVID-19; and

WHEREAS, the Contra Costa County Department of Health recommends maintaining physical distancing if gathering indoors with persons of different households; and

WHEREAS, despite ongoing efforts to promote masking and vaccinations, COVID-19 continues to threaten the health and lives of the public, especially with the existence of the Delta variant, which is highly transmissible in indoor settings; and

WHEREAS, the increased risk of contracting COVID-19 associated with being indoors with others 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.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Reclamation District No. 830 finds that the above declarations are true and correct.

IT IS FURTHER DETERMINED AND RESOLVED that due to the COVID-19 pandemic, meetings of the Reclamation District No. 830 Board in person will present imminent risk to the health and safety of attendees.

IT IS FURTHER DETERMINED AND RESOLVED that the Reclamation District No. 830 Board declares the circumstances set forth in Government Code section 54953(e)(1), exist because the State of Emergency continues to exist and because local health officials recommend social distancing measures indoors. In addition, the circumstances as set forth in Government Code section 54953(e)(2) and (3) exist, because the State of Emergency continues to exist and the Board, by this Resolution, determines that in-person meetings will present imminent risk to the health and safety of attendees, and in-person meetings should be discouraged where, as here, safer teleconferencing alternatives are available. As a result, the Board of the Reclamation District No. 830 and other legislative bodies of the District may continue to meet by teleconference in accordance with Government Code section 54953(e) and this Resolution.

IT IS FURTHER DETERMINED AND RESOLVED that this Resolution shall take effect immediately upon its adoption and shall be effective until the earlier of (1) 30 days from the date of adoption of this Resolution; (2) such time the Reclamation District No. 830 Board of Directors adopts a subsequent resolution in accordance with Government Code section 54953(e) to extend the time during which the Board may continue to teleconference without compliance with paragraph (3) of subdivision (b) of Government Code section 54953; or (3) the Board adopts a resolution rescinding this Resolution.

IT IS FURTHER DETERMINED AND RESOLVED that the approval of this Resolution is not a "project" under Section 21065 of the Public Resources Code and under California Environmental Quality Act ("CEQA") Guidelines Sections 15378(a) and is exempt under CEQA Guidelines Section 15061(b)(3).

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I hereby certify that the foregoing is a full, true and correct copy of a resolution duly passed and adopted by the Board of the Reclamation District No. 830 at a meeting thereof held on the 16th day of November, 2021.

AYES, and in favor thereof, Members:	C. Davisson, D. Dal Porto and T. Zimmerman.
NOES, Members:	None.
ABSENT, Members:	None.

Secretary

(SEAL)

ATTEST:

President