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December 20, 2021

Board of Directors
Triunfo Water & Sanitation District
Ventura County, California

CONSIDERATION AND ADOPTION OF TRIUNFO WATER & SANITATION DISTRICT RESOLUTION NO. TWSD 2021-010 AUTHORIZING CONTINUED USE OF REMOTE TELECONFERENCE MEETINGS IN ACCORDANCE GOVERNMENT CODE SECTION 54953(e) (AB-361)

SUMMARY

On September 16, 2021, the Governor signed AB 361 into law and thus amended Government Code §54953 (see Stats. 2021, Ch. 165) to extend the teleconference/remote public meeting authority and waivers provided under prior Executive Orders so long as certain conditions are met and findings are made. A local public agency may continue to hold its public meetings by teleconferencing but would require the local public agency decision-making body to make certain findings by majority vote every 30 days after the first of such teleconferenced meetings to continue use of remote teleconference meetings.

On October 25, 2021, the Board approved Resolution No. TWSD 2021-005 making the findings that the District's legislative bodies meeting in person would present imminent risks to the health and safety of attendees and directed staff to return within 30 days to review whether circumstances continue to exist and authorize extending the use of AB 361's teleconferencing procedures.

On November 22, 2021, the Board approved Resolution No. TWSD 2021-009 making the required finding and authorizing extended use of remote teleconference meetings for the period of November 25, 2021 to December 25, 2021.

Since the circumstances of the state of emergency continue to impact in-person meetings and being the current resolution will expire on December 25, 2021, staff is recommending the Board consider extending the resolution for an additional 30 days.

The amended provisions of Government Code §54953 will sunset on January 1, 2024. This is subject to change if the Legislature and Governor elect to extend the sunset date or make the provisions permanent.

This letter has been reviewed by Legal Counsel as to form.

If you should have any questions or need additional information, please contact me by phone at (805) 658-4642 or via email at fidelagarcia@trunfowsd.com.

RECOMMENDATION

It is recommended the Board adopt TWSD Resolution No. 2021-010 Authorizing the Continued Use of Remote Teleconference Meetings of the Legislative Bodies of the Triunfo Water & Sanitation District for the Period of December 26, 2021 to January 25, 2022.

FIDELA GARCIA, CLERK OF THE BOARD

REVIEWED AND APPROVED:



Mark Norris, General Manager

Attachments:

TWSD Resolution No. 2021-010

RESOLUTION NO. TWSD 2021-010

A RESOLUTION OF THE BOARD OF DIRECTORS OF TRIUNFO WATER & SANITATION DISTRICT AUTHORIZING THE CONTINUED USE OF REMOTE TELECONFERENCE MEETINGS OF THE LEGISLATIVE BODIES OF TRIUNFO WATER & SANITATION DISTRICT FOR THE PERIOD DECEMBER 26, 2021 TO JANUARY 25, 2022

WHEREAS, the TRIUNFO WATER & SANITATION DISTRICT (“District”) is committed to preserving and providing public access and participation in meetings of the Board of Directors in accordance with the California Constitution; and

WHEREAS, all meetings of the District’s legislative bodies 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 legislative bodies conduct their business; and

WHEREAS, a state of emergency was declared by Governor Newsom on March 4, 2020 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, the District’s legislative bodies meeting in person would present imminent risks to the health and safety of attendees.

NOW, THEREFORE, THE BOARD OF DIRECTORS OF TRIUNFO WATER & SANITATION DISTRICT DOES HEREBY FIND AND 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. Remote Teleconference Meetings. The General Manager and Staff of the District 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 3. Effective Date of Resolution. This Resolution shall take effect immediately upon its adoption and shall be effective until January 25, 2022, or such time 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 the District may continue to teleconference without compliance with paragraph (b)(3) of Government Code section 54953.

PASSED AND ADOPTED by the Board of Directors of Triunfo Water & Sanitation District,
this 20th day of December, 2021, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Raymond Tjulander, Chair

ATTEST:

Fidela Garcia, Clerk of the Board

APPROVED AS TO FORM:

John Mathews, District Counsel