



TAMALPAIS COMMUNITY SERVICES DISTRICT

305 Bell Lane, Mill Valley, CA 94941 ♦ 415.388.6393 ♦ Fax: 415.388.4168

RESOLUTION NO. 2023-03

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE TAMALPAIS COMMUNITY SERVICES DISTRICT AUTHORIZING LEGISLATIVE BODY MEETINGS TO BE HELD VIA TELECONFERENCE FOR THE 30-DAY PERIOD BEGINNING DECEMBER 14, 2022 AND MAKING RELATED FINDINGS PURSUANT TO AB 361

WHEREAS, the Tamalpais Community Services District ("District") is committed to preserving and nurturing public access and participation in meetings of the Board of Directors; and

WHEREAS, all meetings of 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, on March 4, 2020, Governor Newsom declared a State of Emergency as a result of the rapid spread of the novel coronavirus disease 2019 ("COVID-19"); and

WHEREAS, on March 10, 2020, the Board of Supervisors of the County of Marin ratified proclamations of health and local emergency due to COVID-19; and

WHEREAS, on March 17, 2020, in response to the COVID-19 pandemic, Governor Newsom issued Executive Order N-29-20 suspending certain provisions of the Brown Act in order to allow local legislative bodies to conduct meetings telephonically or by other means; and

WHEREAS, on June 11, 2021, Governor Newsom issued Executive Order N-08-21, which terminated the provisions of Executive Order N-29-20 that allows local legislative bodies to conduct meetings telephonically or by other means effective September 30, 2021; and

WHEREAS, on September 16, 2021, Governor Newsom signed Assembly Bill 361 (2021) ("AB 361"), which amended the Brown Act to allow local legislative bodies to continue to conduct meetings by teleconference under specified conditions; and

WHEREAS, AB 361, pursuant to Executive Order N-15-21, took full effect on October 1, 2021 and requires the Board of Directors to make specific findings to continue meeting under special teleconference rules; and

WHEREAS, in addition to finding the Governor has declared a State of Emergency pursuant to Government Code section 8625, such findings include that state or local officials have imposed or recommended measures to promote physical distancing, or, in the alternative, that the legislative body determines that meeting in person would present imminent risks to the health and safety of attendees; and

WHEREAS, Governor Newsom has declared a State of Emergency due to COVID-19, state and local officials have imposed or recommended measures to promote physical distancing, and the Board of Directors have determined meeting in person would present imminent risks to the health and safety of attendees, including members of the public and District employees; and

WHEREAS, on August 3, 2021, in response to the emergence of the highly contagious Delta variant of COVID-19, which caused an increase in COVID-19 cases throughout the United States, State, and Marin County, the Marin County Health Officer issued an order for nearly all individuals to wear masks when inside public spaces; and

WHEREAS, the Centers for Disease Control and Prevention ("CDC") and Marin County continue to recommend physical distancing of at least six feet from others outside of the household; and

WHEREAS, since issuance of Executive Order N-08-21, the highly contagious Delta variant of COVID-19 has emerged, causing an increase in COVID-19 cases throughout the State; and

WHEREAS, the Board of Directors does hereby find that the presence of COVID-19 and the increase of cases due to the Delta variant and other variants would present imminent risks to the health and safety of residents, staff, and Board Members should legislative body meetings be held entirely in person; and

WHEREAS, teleconference meetings may include hybrid meetings, in which all or some members of the Board of Directors meet in person while others attend by teleconference, and members of the public are either allowed to participate only by teleconference or both in person and by teleconference ("hybrid meetings"). The purpose of hybrid meetings is to allow for multiple modes of attending meetings while reducing the risks of COVID-19, including the Delta variant; and

WHEREAS, the District will ensure that all legislative body meetings subject to AB 361 (2021), including hybrid meetings, comply with the provisions required by AB 361 (2021) for holding teleconferenced meetings.

NOW, THEREFORE, THE BOARD OF DIRECTORS OF TAMALPAIS COMMUNITY SERVICES DISTRICT DOES HEREBY RESOLVE AS FOLLOWS:

1. The above recitals are true and correct and hereby incorporated into this Resolution.
2. In compliance with the special teleconference rules of Section 54953 of the Government Code, as established by Assembly Bill 361 (2021), the Board of Directors hereby makes the following findings:
 - a. The Board of Directors has considered the circumstances of the state of emergency; and

- b. The states of emergency, as declared by the Governor and County of Marin, continue to directly impact the ability of the District's legislative bodies, as well as staff and members of the public, to safely meet in person;
 - c. The County, CDC, Cal/OHSA, and OHSA continue to recommend physical distancing of at least six feet to protect against transmission of COVID-19; and
 - d. Meeting entirely in person would present imminent risks to the health and safety of members of the public, members of the District's legislative bodies, and District employees due to the continued presence and threat of COVID-19, including the Delta variant.
- 3. The District's legislative bodies may continue to meet remotely or hybrid in compliance with the special teleconference rules of Section 54953 of the Government Code, as amended by Assembly Bill 361 (2021), in order to protect the health and safety of the public.
 - 4. The Board of Directors will review these findings and may reconsider the need to conduct meetings by teleconference or hybrid within thirty (30) days of adoption of this resolution.

PASSED AND ADOPTED by the Board of Directors of Tamalpais Community Services District this 11th day of January 2023, by the following vote:

AYES: S. Bartschat, J. Brown, J. Jacobs, S. Levine

NOES:

ABSENT: M. McMahon

ABSTAIN:



President

ATTEST:



Secretary, Tamalpais Community Services District