

RESOLUTION NO. 2021-07

**FINDING THAT THE PROCLAIMED COVID-19 STATE OF EMERGENCY
CONTINUES TO IMPACT THE ABILITY OF
THE BOARD OF DIRECTORS TO MEET SAFELY IN PERSON**

PURISSIMA HILLS WATER DISTRICT

WHEREAS, on March 4, 2020, Governor Newsom declared a State of Emergency to exist in California as a result of the threat of the COVID-19 pandemic, which declaration remains in effect; and

WHEREAS, on March 17, 2020, the Governor issued Executive Order N-29-20 suspending certain provisions of the Ralph M. Brown Act related to teleconferencing to allow legislative bodies to conduct meetings remotely to help protect against the spread of COVID-19 and to protect the health and safety of the public; and

WHEREAS, on June 11, 2021, the Governor issued Executive Order N-08-21, which specified that Executive Order N-29-20 remains in effect through September 30, 2021, and then expires; and

WHEREAS, on September 16, 2021, the Governor signed urgency legislation Assembly Bill (AB) 361 into law, which went into effect immediately, thereby amending Government Code Section 54953 to allow legislative bodies to continue to meet remotely under less restrictive requirements during a proclaimed State of Emergency provided that (1) state or local officials have imposed or recommended measures to promote social distancing, or (2) the legislative bodies determine that meeting in person would present imminent risks to the health or safety of attendees; and (3) the legislative bodies make such findings at least every thirty days during the term of the declared State of Emergency; and

WHEREAS, on September 20, 2021, the Governor issued Executive Order N-15-21, which suspended AB 361 through October 1, 2021; and

WHEREAS, the Governor's proclaimed State of Emergency remains in effect, and state and local officials, including Santa Clara County Public Health, the California Department of Public Health (CDPH), or the Department of Industrial Relations, have imposed or recommended measures to promote social distancing, as evidenced by:

- The Santa Clara County Public Health Order Frequently Asked Questions recommends social distancing in certain situations (<https://covid19.sccgov.org/public-health-order-faq>);
- CDPH's COVID-19 Vaccine Action Plan states that the CDPH will continue public messaging to support an ongoing culture of public health best practices to mitigate the spread of COVID-19, including physical distancing (<https://www.cdph.ca.gov/Programs/CID/DCDC/CDPH%20Document%20Library/COVID-19/Vaccine-Action-Plan.pdf>);
- The California Department of Industrial Relations' COVID-19 Prevention Emergency Temporary Standards, which continue to recommend social distancing and also require employers to train employees that “physical distancing, face coverings, increased ventilation indoors, and respiratory protection decrease the spread of COVID-19” and should be used in combination (Title 8, § 3205(c)(5)(D)); and

WHEREAS, to help protect against the spread of COVID-19 and its variants, and to protect the health and safety of the public, the Board of Directors desires to take the actions necessary to comply with AB 361 and to continue to hold its Board meetings remotely.

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors (Board) of Purissima Hills Water District has considered the circumstances of the State of Emergency, and finds that the State of Emergency continues to directly impact the ability of the members to meet safely in person, and state or local officials continue to impose or recommend measures to promote social distancing; and

BE IT FURTHER RESOLVED, that in light of these findings, the Board directs the General Manager and Board Secretary to continue to agendize public meetings of the Board that are subject to the Brown Act only as online teleconference meetings; and

BE IT FURTHER RESOLVED, that the District will comply with the requirements of Government Code Section 54953(e)(2) when holding Board and committee meetings pursuant to this Resolution; and

BE IT FURTHER RESOLVED, that the Board will consider the findings in this Resolution every 30 days and may, by motion approved by a majority of the Board, reaffirm these findings.

Passed and adopted this 13th day of October, 2021, by the following vote of the Board.

AYES: Directors Holtz, Jordan, Stone, Glassman, and Ranganathan

NOES:

ABSENT:



President, Board of Directors
Purissima Hills Water District

ATTEST:

