

**WATER ADVISORY COMMITTEE RESOLUTION FINDING PROCLAIMED
STATE OF EMERGENCY AND THAT MEETING IN PERSON WOULD
PRESENT IMMINENT RISKS TO THE HEALTH OR SAFETY OF
ATTENDEES; AND AUTHORIZING MEETINGS BY TELECONFERENCE
OF LEGISLATIVE BODIES**

WHEREAS, the Restructured Agreement for Water Supply (RA), was executed on June 23, 2006, by and between the Sonoma County Water Agency (SCWA), the Cities of Cotati, Petaluma, Rohnert Park, Santa Rosa, Sonoma and Forestville, the North Marin and Valley of the Moon Water Districts and the Town of Windsor; and

WHEREAS, the Restructured Agreement defines Water Contractors as the signatories to the Restructured Agreement except SCWA and Forestville and creates the Water Advisory Committee (WAC) and Technical Advisory Committee (TAC); and

WHEREAS, the purpose of the WAC is to perform the functions specified in the Restructured Agreement and to consider and make recommendations to SCWA on important matters impacting significant budget outlays, changes in level of service, as well as water policy and water management issues, and in so doing the WAC functions in the same manner as a local agency legislative body; and

WHEREAS, all meetings of the Water Advisory Committee and Technical Advisory Committee are open and public, as required by the Ralph M. Brown Act, Government Code Section 54950, *et seq*, and any member of the public may observe, attend, and participate in the business of such legislative bodies; 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 17, 2020, in response to the COVID-19 pandemic, Governor Newsom issued Executive Order N-29-20 suspending certain provisions of the Ralph M. Brown Act ("Brown Act") in order to allow local legislative bodies to conduct meetings telephonically or by other means, after which the WAC implemented virtual meetings for all of its meetings; 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 pursuant to special rules on notice, attendance, and other matters; and

WHEREAS, AB 361, pursuant to Executive Order N-15-21, took full effect on October 1, 2021 and requires the WAC 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 WAC has determined that meeting in person would present imminent risks to the health and safety of attendees, including members of the public and WAC and TAC members; and

WHEREAS, on August 2, 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 Sonoma County, the Sonoma 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 Sonoma County continue to recommend physical distancing of at least six feet from others outside of the household; and

WHEREAS, Title 8, Section 3205, subdivision (c)(5)(D) of the California Code of Regulations, promulgated by the Division of Occupational Safety and Health of the California Department of Industrial Relations (“Cal/OSHA”), employers to provide instruction to employees on using a combination of “physical distancing, face coverings, increased ventilation indoors, and respiratory protection” to decrease the spread of COVID-19; and

WHEREAS, “Protecting Workers: Guidance on Mitigating and Preventing the Spread of COVID-19 in the Workplace,” promulgated by the Occupational Safety and Health Administration (“OSHA”) under the United States Department of Labor, provides that “[m]aintaining physical distancing at the workplace for [unvaccinated and at-risk] workers is an important control to limit the spread of COVID-19” and recommends that employers train employees about the airborne nature of COVID-19 and importance of exercising multiple layers of safety measures, including physical distancing, and that employers implement “physical distancing in all communal work areas for unvaccinated and otherwise at-risk workers,” including physical distancing from members of the public, as a “key way to protect such workers”; and

WHEREAS, the WAC recognizes the recommendations by state and local officials to use physical distancing as a layer of protection against COVID-19 and desires to continue to provide a safe workplace for its members and a safe environment for the open and public meetings of the WAC and TAC; and

WHEREAS, the WAC hereby finds that the presence of COVID-19 and the increase of cases due to the Delta variant would present imminent risks to the health or safety of attendees, including members of the public and WAC and TAC members, should meetings of the WAC be held in person; and

WHEREAS, the WAC members shall ensure WAC meetings comply with the special teleconference rules under the Brown Act, as amended by Assembly Bill 361.

THEREFORE, BE IT RESOLVED by the Water Advisory Committee 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 WAC hereby makes the following findings:
 - a. The WAC has considered the circumstances of the state of emergency; and
 - b. The state of emergency, as declared by the Governor, continues to impact directly the ability of the WAC and TAC members and members of the public, to safely meet in person;
 - c. The CDC, Cal/OSHA, and OSHA continue to recommend physical distancing of at least six feet to protect against transmission of COVID-19; and
 - d. Meeting in person would present imminent risks to the health and safety of members of the public, and WAC and TAC members due to the continued presence and threat of COVID-19.
3. The WAC may continue to meet remotely 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.

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ADOPTED this 1st day of November, 2021 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN: