

M E M O R A N D U M

DATE: December 1, 2022

TO: Technical Advisory Committee (TAC)

FROM: Jennifer Burke, TAC Chair

SUBJECT: TAC – Virtual/Teleconference Meeting Authorization

RECOMMENDED ACTION: Adopt “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.”

From April 2020 through April 2022, Water Advisory Committee (WAC) and Technical Advisory Committee (TAC) meetings have been held virtually to protect attendees, including members of the public and WAC/TAC members, from potential exposure to the novel coronavirus disease 2019 (“COVID-19”). Until September 30, 2021, these virtual meetings were authorized by Executive Order N-29-20, which suspended certain provisions of the Ralph M. Brown Act (“Brown Act”). On September 16, 2021, the Governor signed Assembly Bill 361 (2021) (“AB 361”) amending the Brown Act to allow local legislative bodies to continue to conduct meetings virtually under specified conditions and pursuant to special rules on notice, attendance, and other matters. AB 361 took full effect on October 1, 2021.

In May, June, August and November 2022, due to a reduction in COVID-19 cases, the WAC/TAC and TAC met in person. Due to the current cases of COVID-19, circumstances meet the criteria for Section 54953 of the Brown Act, as amended by AB 361. The Governor’s March 4, 2020, declaration of a State of Emergency remains in effect, and state and local officials recommend physical distancing as a layer of protection against transmission of COVID-19. Further, the current circumstances would support a determination by the TAC that meeting in person would present imminent risks to the health and safety of attendees.

If adopted, the Resolution will allow the TAC to meet virtually for 30 days.

RECOMMENDED ACTION:

Adopt “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”.

**TECHNICAL 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 RA defines Water Contractors as the signatories to the RA except SCWA and Forestville and creates the Water Advisory Committee (WAC) and Technical Advisory Committee (TAC); and

WHEREAS, the purpose of the WAC and the TAC is to perform the functions specified in the RA 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 and TAC functions in the same manner as a local agency legislative body; and

WHEREAS, all meetings of the WAC and TAC 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, the Brown Act, Government Code section 54953(e), makes provisions for remote teleconferencing participation in local government meetings, without compliance with the requirements of Government Code section 54953(b)(3), subject to the existence of certain conditions; and

WHEREAS, on March 4, 2020, Governor Newsom proclaimed a State of Emergency due to the outbreak of respiratory illness due to a novel coronavirus (a disease now known as COVID-19), and that State of Emergency is still in effect in the State of California; and

WHEREAS, the Sonoma County Public Health Officer continues to recommend teleconferencing or social distancing during public meetings of all legislative bodies to protect the community's health against the spread of COVID-19; and

WHEREAS, the TAC, acting as a legislative body pursuant to Government Code section 54952(a), finds that the current conditions meet the circumstances set forth in Government Code section 54953(e)(3) to allow Legislative Bodies to continue to use teleconferencing to hold open and public meetings if the Legislative Bodies comply with the requirements set forth in Government Code section 54953(e)(2) to ensure the public can safely participate in and observe local government meetings.

THEREFORE, BE IT RESOLVED by the Technical Advisory Committee as follows:

1. Recitals. The above recitals are true and correct and hereby incorporated into this Resolution.
2. Current Conditions Authorize Teleconference Public Meetings of Legislative Bodies. Based on the California Governor's continued declaration of a State of Emergency and the Sonoma County Public Health Officer's recommendation to continue teleconferencing or social distancing during public meetings, the TAC finds that the conditions exist pursuant to Government Code section 5453(e)(3) to allow legislative bodies to use teleconferencing to hold public meetings in accordance with Government Code section 54953(e)(2) to ensure members of the public have continued access to safely observe and participate in local government meetings.
3. Authorize TAC to Conduct Teleconference Meetings. The TAC is hereby authorized 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)(2) and other applicable provisions of the Brown Act.

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ADOPTED this 5th day of December 2022 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN: