

RESOLUTION NO. 21-1035

**A RESOLUTION OF THE BOARD OF DIRECTORS OF JOSHUA BASIN
WATER DISTRICT AUTHORIZING REMOTE TELECONFERENCE
MEETINGS OF THE LEGISLATIVE BODIES OF THE JOSHUA BASIN
WATER DISTRICT DURING THE COVID-19 VIRUS EMERGENCY
PURSUANT TO RELEVANT PROVISIONS OF THE BROWN ACT**

WHEREAS, the Joshua Basin Water District (“District”) is committed to preserving and nurturing public access and participation in meetings of the Board of Directors (“Board”); 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 *et seq.*) (“Brown Act”), so that any member of the public may attend, participate in, and watch the District’s legislative bodies conduct their business; and

WHEREAS, the Brown Act, Government Code section 54953(e), makes provisions for remote teleconferencing participation in meetings by members of a legislative body, without compliance with the requirements of Government Code section 54953(b)(3), subject to the existence of certain conditions; and

WHEREAS, a required condition is that a state of emergency is declared by the Governor 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, it is further required that either (1) state or local officials have imposed or recommended measures to promote social distancing, or (2) the Board by majority vote finds that meeting in person presents imminent risks to the health and safety of attendees; and

WHEREAS, on March 4, 2020, the Governor of California declared a State of Emergency due to the outbreak and spread of the COVID-19 virus in order to be able to prepare, respond, and implement measures to mitigate the spread of the COVID-19 virus, and such proclamation of a State of Emergency remains in effect; and

WHEREAS, both State and local officials within the County of San Bernardino continue to recommend social distancing measures to mitigate the spread of the COVID-19 virus; and

WHEREAS, in light of the limited size of the District’s Board Room and the current community spread of the COVID-19 virus, the allowance of an in-person meeting for all members of the public presents’ imminent risks to the health and safety of all attendees, including any members of the Board, District staff, and members of the public present; and

WHEREAS, the meetings of the District’s legislative bodies continue to be open to the public, in accordance with the law.

NOW, THEREFORE, the Board of Directors of the Joshua Basin Water District hereby resolves as follows:

1. Recitals. The Recitals set forth above are true and correct and are incorporated into this Resolution by this reference.

2. Governor's Proclamation of a State of Emergency. The Board hereby finds that the Governor of the State of California's Proclamation of State of Emergency, effective as of its issuance date of March 4, 2020, remains in effect.

3. State and Local Officials Recommendation of Social Distancing Measures. The Board hereby finds that State and local officials within the County of San Bernardino continue to recommend social distancing measures to mitigate the spread of the COVID-19 virus.

4. Imminent Risk to Health and Safety of Attendees. The Board hereby finds that the open allowance of public attendance at its legislative body meetings, based on current COVID-19 virus conditions, presents an imminent risk to the health and safety of all meeting attendees, including, but not limited to, the Board, District staff, and other members of the public.

5. Remote Teleconference Meetings. As a consequence of the proclaimed state of emergency pursuant to the COVID-19 virus that remains in effect, State and local officials continuing to recommend social distancing measures to mitigate the spread of the COVID-19 virus, and the imminent risk to the health and safety of attendees presented by the current COVID-19 virus circumstances, the Board does hereby find that the legislative bodies of the District shall conduct their meetings without compliance with paragraph (3) of subdivision (b) of Government Code section 54953, as authorized by subdivision (e) of section 54953, and that such legislative bodies shall comply with the requirements to provide the public with access to the meetings as prescribed in paragraph (2) of subdivision (e) of section 54953.

6. Allowance of Limited In-Person Attendance. This Resolution shall be interpreted so as to allow, but not require, all members of the Board to attend legislative body meetings of the District by teleconference. All members of the Board shall be permitted to attend legislative body meetings in-person at their sole discretion. Additionally, the General Manager is hereby authorized to permit District staff, as deemed necessary or appropriate by the General Manager, to attend legislative body meetings in-person. Additionally, notwithstanding the findings set forth herein, the General Manager is authorized to establish a procedure, on a first-come, first-serve basis, for up to six (6) members of the public to in advance reserve and thereafter attend such meetings in-person, contingent upon the provision of adequate assurances including: (1) either the presentation of a valid record of vaccination against COVID-19 or the wearing of a mask in a manner so as to fully cover the attendees mouth and nose; and (2) the completion of a COVID questionnaire that confirms the attendee meets minimum health requirements established by the Center for Disease Control and/or the Occupational Safety & Health Administration (OSHA).

7. Delegation of Authority. The General Manager of the District and legislative bodies of the District are hereby authorized and directed to take all actions necessary to carry out the intent and purpose of this Resolution including, but not limited to, conducting open and public meetings in accordance with Government Code section 54953(e) and other applicable provisions of the Brown Act.

8. Effective Date of Resolution. This Resolution shall take effect immediately upon its adoption and shall be effective until November 5, 2021, unless renewed by way of a duly noticed action by a majority of the Board confirming the continued existence of the findings set forth herein. Any such renewal shall extend the provisions of this Resolution for an additional 30-days following such action, permitting the legislative bodies of the District to continue to teleconference without compliance with paragraph (3) of subdivision (b) of section 54953.

PASSED AND ADOPTED this 5th day of October, 2021, pursuant to the following votes:

AYES: Doolittle, Floen, Jarlsberg, Reynolds, & Unger
NOES: _____
ABSENT: _____
ABSTAIN: _____

By: Rebecca Unger
Rebecca Unger, President

By: Mark Ban
Mark Ban, General Manager & Board Secretary