

BEFORE THE BOARD OF DIRECTORS OF
EASTERN SAN JOAQUIN GROUNDWATER AUTHORITY

RESOLUTION

R-22-05

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE EASTERN SAN JOAQUIN GROUNDWATER AUTHORITY (ESJGWA) DETERMINING TO CONDUCT MEETINGS OF THE ESJGWA BOARD OF DIRECTORS USING TELECONFERENCING PURSUANT TO GOVERNMENT CODE 54953 AS AMENDED BY AB 361 FOR THE PERIOD APRIL 13, 2022 TO MAY 12, 2022.

WHEREAS, the Eastern San Joaquin Groundwater Authority (the “Authority”) Board of Directors (the “Board”) is committed to preserving and nurturing public access and participation in meetings of the Board of Directors; and

WHEREAS, all meetings the Authority’s legislative bodies are open and public, as required by the Ralph M. Brown Act (Cal. Gov. Code 54950 – 54963) (the “Brown Act”), so that any member of the public may attend, participate, and watch the Authority’s legislative bodies conduct their business; and

WHEREAS, the Brown Act, Government Code section 54953(e), as amended by AB 361 (2021), 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 state or local officials have imposed or recommended measures to promote social distancing, or the legislative body meeting in person would present imminent risks to the health and safety of attendees; and

WHEREAS, on March 4, 2020, the Governor proclaimed a State of Emergency to exist in California as a result of the threat of COVID-19; and

WHEREAS, Cal-OSHA adopted emergency regulations (Section 3205) imposing requirements on California employers, including measures to promote social distancing; and

WHEREAS, an Order of the San Joaquin County Public Health Officer acknowledges that close contact to other persons increases the risk of transmission of COVID-19; and

WHEREAS, currently the dominant strain of COVID-19 in the country, is more transmissible than prior variants of the virus, may cause more severe illness, and that even fully

vaccinated individuals can spread the virus to others resulting in rapid and alarming rates of COVID-19 cases and hospitalizations, therefore, meeting in person would present imminent risks to the health or safety of attendees.

NOW, THEREFORE, BE IT RESOLVED by the Board as follows:

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

Section 2. Finding of Imminent Risk to Health or Safety of Attendees. The Board hereby finds that the circumstances of the current State of Emergency proclaimed by the Governor on March 4, 2020, and finds that the current dominant strain of COVID-19 in the country, is more transmissible than prior variants of the virus, may cause more severe illness, and that even fully vaccinated individuals can spread the virus to others resulting in rapid and alarming rates of COVID-19 cases and hospitalizations has caused, and will continue to cause, conditions of peril to the safety of persons, thereby presenting an imminent risk to health and/or safety to the Authority's staff and attendees of the Authority's public meetings; and

Section 3. Teleconference Meetings. The Board does hereby determine as a result of the State of Emergency proclaimed by the Governor, and the recommended measures to promote social distancing made by State and local officials that the Board may conduct their meetings without compliance with paragraph (3) of subdivision (b) of Government Code section 54953, as authorized by subdivision (e)(1)(A) and (B) of section 54953, and 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; and

Section 4. Direction to Staff. The Authority staff are hereby authorized and directed 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) and other applicable provisions of the Brown Act.

Section 5. Effective Date of Resolution. This Resolution shall take effect immediately upon its adoption.

PASSED AND ADOPTED this 13th day of April 2022, by the following vote of the Board of Directors of the Eastern San Joaquin Groundwater Authority, to wit:

AYES: Nakanishi, Breitnbucher, Wright, Tofanelli, Blanton, Henry, Flinn, Thorburn, Herrick, Holmes, Panizza, Winn

NOES:

ABSENT:

CHUCK WINN
Chairman

Resolution re: AB 361
1562850-2

ATTEST: KRIS BALAJI, PMP. P.E.
Secretary