

INVERNESS PUBLIC UTILITY DISTRICT

FIRE DEPARTMENT  WATER SYSTEM

50 INVERNESS WAY NORTH • P.O. BOX 469 • INVERNESS CA 94937 • (415) 669-1414

Board of Directors

AGENDA

SPECIAL Meeting

Wednesday, January 26, 2022

9:00 a.m.

Video/Teleconference ONLY

MODIFIED BROWN ACT REQUIREMENTS IN LIGHT OF STATE OF EMERGENCY

The health and safety of community members, public officials, and employees is a top priority for the IPUD. Pursuant to CA Assembly Bill 361, members of the Board of Directors, IPUD staff, and members of the public will participate in this meeting by teleconference. The IPUD will not offer an in-person meeting location for the public to attend this meeting. Members of the public are encouraged to participate remotely from a safe location as described below.

Join Zoom meeting from your computer, tablet, or smartphone:

<https://us06web.zoom.us/j/82250964551?pwd=akFRRTQxTFAvSGZTbnpHelVKbzV4UT09>

Meeting ID: 822 5096 4551

Passcode: 385866

One-tap mobile

+16699006833,,82250964551#,,, *385866# US (San Jose)

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or

Dial by your location

+1 669 900 6833 US (San Jose) +1 346 248 7799 US (Houston)

+1 253 215 8782 US (Tacoma) +1 312 626 6799 US (Chicago)

+1 929 205 6099 US (New York) +1 301 715 8592 US (Washington DC)

Meeting ID: 822 5096 4551

Passcode: 385866

Find your local number: <https://us06web.zoom.us/u/kb5rSzGw68>

- 1. Call to Order; Attendance Report**
- 2. Public Expression:** Opportunity for members of the public to address the Board on matters under the Board's jurisdiction but not on the posted agenda. Directors or staff *"may briefly respond to statements made or questions posed"* during Public Expression, but *"no action or discussion shall be undertaken on any item not appearing on the posted agenda"* (Gov. Code §54954.2(a)(3)). Members of the public may comment on any item listed on the posted agenda at the time the item is considered by the Board.
- 3. Discussion and Adoption of Resolution 262-2022:** Authorizing remote teleconferencing of legislative meetings for 30 days beginning January 26, 2022.
- 4. Adjournment**

Posted: January 21, 2022

Material provided in the meeting packet is available on the District's website, www.invernesspub.org, or by contacting the District office.

Items may not be taken up in the order shown on this Agenda.

For assistance in participating in this event due to a disability as defined under the ADA, please call in advance to (415) 669-1414.

THE PUBLIC IS CORDIALLY INVITED TO PARTICIPATE AND TO COMMENT ON AGENDA ITEMS

**BOARD OF DIRECTORS: KENNETH J. EMANUELS, PRESIDENT • DAKOTA WHITNEY, VICE PRESIDENT
KATHRYN DONOHUE, TREASURER • BRENT JOHNSON • DAVID PRESS**



**SHELLEY REDDING, ADMINISTRATOR/CLERK OF THE BOARD
JAMES K. FOX, CHIEF OF OPERATIONS (FIRE CHIEF, WATER SYSTEM SUPERINTENDENT)**



Inverness Public Utility District

Board Agenda Item Staff Report

Subject: Resolution 262-2022, Allowing Remote Teleconference Meetings for 30 days
Meeting Date: January 26, 2022
Date Prepared: January 10, 2022
Prepared by: Shelley Redding
Attachments: Draft of Resolution 262-2022

Recommended Action: Approve and Adopt Resolution 262-2022, allowing the Regular Meeting of January 26, 2022 to be held via Video/Teleconference.

On March 5, 2020 Governor Newsom enacted Executive Order N-25-20 in response to the COVID-19 pandemic. The order allowed for suspension of some Brown Act requirements and allowed Legislative Meetings to be held remotely by video or telephone conference for Legislative Members, Public Employees and Members of the public from private locations. The Executive Order was rescinded effective September 30, 2021.

After that date, all meetings subject to the Brown Act must comply with standard teleconference requirements (as they existed “pre-pandemic”) OR must comply with the newly enacted provisions of AB 361 that allows flexibility for remote public meetings during proclaimed state emergencies. AB 361’s provisions can only be used in the event that a gubernatorial state of emergency 1) has been issued AND 2) remains active. It is not sufficient that county and/or city officials have issued a local emergency declaration – the emergency declaration must be one that is made pursuant to the California Emergency Services Act (CA GOVT § 8625).

In light of the recent surge of Omicron variant cases of the COVID-19 virus, the Firehouse meeting room does not provide enough space to adequately and safely maintain social distancing as required by the California Department of Public Health for indoor spaces. Additionally, the cold weather and the inadequate heating in the Fire Engine Bays of the Firehouse do not provide an acceptable meeting space for the public to safely participate.

Therefore, it is recommended that the Board adopt the Resolution 262-2022 to allow the regular Board Meeting to be held remotely.

Inverness Public Utility District

RESOLUTION NO. 262-2022

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE INVERNESS PUBLIC UTILITY DISTRICT PROCLAIMING A LOCAL EMERGENCY, RATIFYING THE PROCLAMATION OF A STATE OF EMERGENCY BY EXECUTIVE ORDER N-25-20, AND AUTHORIZING REMOTE TELECONFERENCE MEETINGS OF THE LEGISLATIVE BODIES OF INVERNESS PUBLIC UTILITY DISTRICT PURSUANT TO BROWN ACT PROVISIONS

WHEREAS, the Inverness Public Utility District is committed to preserving and nurturing public access and participation in meetings of the Board of Directors; and

WHEREAS, all meetings of Inverness Public Utility District's legislative bodies are open and public, as required by the Ralph M. Brown Act (Cal. Gov. Code 54950 – 54963), so that any member of the public may attend, participate, 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, a proclamation is made when there is an actual incident, threat of disaster, or extreme peril to the safety of persons and property within the jurisdictions that are within the District's boundaries, caused by natural, technological, or human-caused disasters; 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, such conditions now exist in the District, specifically, the COVID-19 pandemic (the "Emergency") continues to be a threat to the Public; and

WHEREAS, on January 5, 2022 the California Department of Public Health (CDPH) issued a Public Health Order that requires indoor masking and social distancing, regardless of vaccination status in response to the rapid spread of the Omicron variant; and

WHEREAS, the Board of Directors does hereby find that the COVID-19 pandemic and the State Public Health Order has caused, and will continue to cause, conditions of peril to the safety of persons within the District that are likely to be beyond the control of services, personnel, equipment, and facilities of the District, and desires to proclaim a local emergency and ratify the proclamation of state of emergency by the Governor of the State of California and ratify the December 30, 2021 Marin County Public Health Order; and

WHEREAS, as a consequence of the local emergency, the Board of Directors does hereby find that the legislative bodies of Inverness Public Utility 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; and

WHEREAS, all meeting agendas, meeting dates, times, and manner in which the public may participate in the public meetings of the District and offer public comment by telephone or internet-based service options including video conference are posted on the District website and physically outside of the District office.

NOW, THEREFORE, THE BOARD OF DIRECTORS OF INVERNESS PUBLIC UTILITY DISTRICT DOES HEREBY RESOLVE 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. Proclamation of Local Emergency. The Board has reconsidered the conditions of the state of emergency and proclaims that a local emergency persists throughout the District because the high risk of transmissibility of COVID- 19 continues to pose an imminent risk to the safety of persons in the District.

Section 3. Ratification of Governor's Proclamation of a State of Emergency. The Board hereby ratifies the Governor of the State of California's Proclamation of State of Emergency, effective as of its issuance date of March 4, 2020.

Section 4. Remote Teleconference Meetings. The District Staff and legislative bodies of Inverness Public Utility District 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 and shall be effective until the earlier of February 25, 2022, or such time that the Board of Directors adopts a subsequent resolution in accordance with Government Code section 54953(e)(3) to extend the time during which the legislative bodies of Inverness Public Utility District may continue to teleconference without compliance with paragraph (3) of subdivision (b) of section 54953.

PASSED AND ADOPTED by the Board of Directors of Inverness Public Utility District, this 26th day of January 2022, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Kenneth J. Emanuels, President
Board of Directors

ATTEST:

Shelley Redding, Clerk of the Board