

RESOLUTION NO. 2022-04

**A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE SAN BENITO COUNTY WATER DISTRICT
A RESOLUTION RATIFYING THE STATE OF EMERGENCY PROCLAIMED ON
MARCH 4, 2020, AND AUTHORIZING REMOTE TELECONFERENCE MEETINGS
OF ALL DISTRICT LEGISLATIVE BODIES FOR THE FOLLOWING 30 DAYS IN
ACCORD WITH THE RALPH M. BROWN ACT**

WHEREAS, the San Benito County Water District (the “District”) is a public entity established under the laws of the State of California; and

WHEREAS, the District is committed to preserving and nurturing public access and participation in meetings of the District Board and Committees; and

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

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

WHEREAS, one required condition is that a state of emergency has been declared by the Governor of the State of California 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 that there is an actual incident, threat of disaster, or extreme peril to the safety of persons and property within the District’s jurisdiction, caused by natural, technological, or human-caused disasters; and

WHEREAS, state or local officials have imposed or recommended measures to promote social distancing, or having the legislative body meet in person would present imminent risks to the health and safety of attendees; and

WHEREAS, the District Board affirms these conditions now exist in the District. Specifically, on March 4, 2020, the Governor proclaimed a State of Emergency to exist as a result of the threat of COVID-19. That Proclamation has not been terminated by either the Governor or the Legislature pursuant to Government Code section 8629; and

WHEREAS, despite sustained efforts to remedy this circumstance, the District Board determines that meeting in person poses an imminent risk to health and safety of attendees due to the COVID-19 virus and its variants; and

WHEREAS, the District Board finds the emergency created by the COVID-19 virus and its variants 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 and similar local health orders that require social distancing; and

WHEREAS, as a consequence of the local emergency, the District Board determines that all legislative bodies of the District are required to conduct their meetings without full compliance with paragraph (3) of subdivision (b) of Government Code section 54953, as authorized by subdivision (e) of section 54953, and that those District legislative bodies shall comply with the requirements to provide public access to the meetings remotely as prescribed in paragraph (2) of subdivision (e) of section 54953; and

WHEREAS, each District legislative body shall continue to conduct meetings with public access available via call-in or internet-based service options and the public shall be allowed to address the legislative body directly in real time; and

WHEREAS, This Resolution shall authorize the General Manager to establish and maintain platforms necessary for each District legislative body to hold teleconference meetings and provide an avenue for real-time public comments for such meetings; and

WHEREAS, the District Board finds the introduction and adoption of this resolution is not subject to the California Environmental Quality Act (CEQA) as the activity is not a project as defined in Section 15378) of the CEQA Guidelines.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The foregoing findings are true and correct and are adopted by the District Board as though set forth in full.
2. The Board hereby proclaims that a local emergency now exists throughout the District, and meeting in person would present imminent risk as a result of the COVID-19 virus and its variants.
3. 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.
4. The District Manager and legislative bodies of the San Benito County Water 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.

5. This Resolution shall take effect immediately upon its adoption and shall remain in effect for a period of 30 days, or until such time the District Board adopts a subsequent resolution in accordance with Government Code section 54953(e)(3) to extend the time during which District legislative bodies may continue to teleconference without compliance with paragraph (3) of subdivision (b) of section 54953.

The foregoing Resolution was passed and adopted at a regular meeting of the Board of Directors of the San Benito County Water District held on January 26, 2022, by the following vote:

AYES: DIRECTORS: Tonascia, Flores, Tobias & Williams

NOES: DIRECTORS: None

ABSENT: DIRECTORS: Shelton

ABSTAIN: DIRECTORS: None

/s/Joe Tonascia
Joseph Tonascia
President

ATTEST: /s/Sara Singleton
Sara Singleton
Assistant Manager