

BOLINAS COMMUNITY PUBLIC UTILITY DISTRICT

Resolution No. 693

Proclaiming a Local Emergency, Ratifying the Proclamation of a State of Emergency by the Governor (March 4, 2020), and Authorizing Remote Teleconference Meetings of the Legislative Bodies of the Bolinas Community Public Utility District for the Period of 30 Days Pursant to Brown Act Provisions.

WHEREAS, the Bolinas Community Public Utility District ("BCPUD") is committed to preserving and nurturing public access and participation in meetings of the Board of Directors; and

WHEREAS, all meetings of the BCPUD's legislative bodies are open and public, as required by the Ralph M. Brown Act (California Government 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, a State of Emergency relating to COVID-19 as Proclaimed by the Governor on March 4, 2020, which is still in effect; and

WHEREAS, on September 22, 2021, the Marin County Director of Health & Human Services issued a letter to the President of the Marin County Board of Supervisors recommending continued emphasis on social distancing, including teleconferencing meetings where feasible and maintaining social distancing for any in-person meetings; and

WHEREAS, on September 22, 2021, the Marin County Board of Supervisors adopted a resolution allowing continued use of teleconferencing and videoconferencing for County public meetings to promote social distancing and enhance public safety; and

WHEREAS, the Board of Directors does hereby find that the BCPUD's office/meeting room may not be able to accommodate compliance with social distancing guidelines during the declared State of Emergency and the Board has a strong interest in protecting the health and safety of District staff and members of the public; and

WHEREAS the Board of Directors desires to proclaim a local emergency, ratify the proclamation of state of emergency by the Governor of the State of California, and implement the social distancing recommendations issued by the Marin County Department of Health & Human Services; and

WHEREAS, as a consequence of the local emergency, the Board of Directors does hereby find that the legislative bodies of the BCPUD 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, the BCPUD has taken measures to ensure public access to the meetings of its legislative bodies by holding those meetings via teleconferencing and video-conferencing, publicly posting the meeting agendas in compliance with the Brown Act, and conducting its meetings in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the BCPUD or any of its legislative bodies, including but not limited to the right to provide public comment.

NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE BCPUD 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. Based on the foregoing findings, the Board of Directors hereby proclaims that a local emergency now exists throughout the District and that holding in-person meetings at this time would pose an unacceptable risk to District staff and members of the public.

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 a State of Emergency relating to COVID-19, effective as of its issuance date of March 4, 2020.

Section 4. Remote Teleconference Meetings. The BCPUD's General Manager and legislative bodies of the BCPUD 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 (i) June 17, 2022, or such time 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 the BCPUD may continue to teleconference without compliance with paragraph (3) of subdivision (b) of section 54953.

PASSED AND ADOPTED by the Board of Directors of the BCPUD this 18th day of May, 2022, by the following vote:

AYES: COMSTOCK, SIEDMAN, SMITH, WALKER

NOES: NONE

ABSTAIN: NONE

ABSENT: GODINO

attest:


Secretary


President, Board of Directors

Resolution 693 originally was approved at a duly noticed regular meeting of the BCPUD Board of Directors on October 20, 2021 and subsequently was amended at duly noticed regular meetings of the BCPUD Board of Directors on November 17, 2021, December 15, 2021, January 19, 2022, February 16, 2022, March 16, 2022 and April 20, 2022.