

MEMORANDUM

TO: Board of Directors of Crestline Village Water District

FROM: Ronald A. Van Blarcom, General Counsel

RE: Continuing to meet via teleconferencing

DATE: October 19, 2021

As the Board is well aware, starting in March 2020 and throughout the ongoing COVID-19 pandemic, the District has been permitting Board members, staff and the general public to attend its regular and special meetings via teleconferencing (using Zoom). The March 4, 2020 state of emergency (declared by Governor Gavin Newsom) is still in effect. In addition, a series of Executive Orders issued by Governor Gavin Newsom at the time waived certain Brown Act requirements, resulting in the District's ability to meet via Zoom. Those waivers expired as of September 30, 2021, and have been replaced by a new law which amended the Brown Act (the amendments were part of Assembly Bill 361).

The new law, as now codified in the Brown Act (Government Code Section 54953 as amended) continues to permit Zoom meetings, **provided that the District Board makes certain findings by majority vote every 30 days.** Pursuant to Subsection (e)(3) of Section 54953,

(3) If a state of emergency remains active, or state or local officials have imposed or recommended measures to promote social distancing, in order to continue to teleconference without compliance with paragraph (3) of subdivision (b), the legislative body shall, not later than 30 days after teleconferencing for the first time pursuant to subparagraph (A), (B), or (C) of paragraph (1), and every 30 days thereafter, make the following findings by majority vote:

(A) The legislative body has reconsidered the circumstances of the state of emergency.

(B) Any of the following circumstances exist:

(i) The state of emergency continues to directly impact the ability of the members to meet safely in person.

(ii) State or local officials continue to impose or recommend measures to promote social distancing.

Your Board held a teleconference meeting on October 5, 2021. Your October 19 meeting is also being held via teleconference. Staff has included an action item on this October 19 meeting agenda for your Board to consider whether it desires to hold any meetings after November 4, 2021 via teleconference. To take action on this item (see below), a

majority vote of those Board members present at the October 19 Board meeting would need to approve a motion with the required findings.

Action Item for Agenda

- Consider continuation of permitting attendance at District Board meetings via teleconferencing (using Zoom)
 - Required findings
 - The Board of Directors has reconsidered the circumstances of the state of emergency; AND
 - The state of emergency continues to directly impact the ability of the Board, staff and members to meet safely in person OR
 - State or local officials continue to impose or recommend measures to promote social distancing

Unless your Board directs otherwise, staff will include the same action item on all upcoming regular meeting agendas for as long as the COVID-19 state of emergency remains active (or as long as state or local officials have imposed or recommended measures to promote social distancing).

Consequently, at each meeting for the next several months, your Board will need to determine (by majority vote) whether or not it wants to permit Zoom meeting attendance for meetings held during the next 30 days. If your Board does want to permit Zoom attendance for those future meetings, it will need to adopt a motion and make the required findings.