

**Special Meeting of the  
Pajaro River Watershed Flood Prevention Authority  
Board of Directors  
Agenda**

c/o RAPS, Inc.  
P.O. Box 2453  
Seaside, CA 93955  
(831) 883-3750

PRWFPA Chair – Nancy Bilicich  
PRWFPA Vice Chair – John Baillie

**DATE: September 29, 2021  
TIME: 3:00 PM**

**Meeting Via Conference Call  
Dial-in Number: (605) 475-4700  
Access Number: 203466#**

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The PRWFPA Board of Directors The meeting will be conducted via Conference Call considering Governor Newsom’s State of Emergency declaration regarding the COVID-19 outbreak and in accordance with Executive Order N-29-20 and the shelter in place directive. The PRWFPA Board of Directors will participate in the meeting from individual remote locations. We apologize in advance for any technical difficulties.

Members of the public will need to attend the meeting remotely via Conference Call.

Persons who wish to address the PRWFPA Board of Directors on an item to be considered at this meeting are encouraged to submit comments in writing at [info@ambag.org](mailto:info@ambag.org) by 5:00 PM, Thursday, September 28, 2021. The subject line should read “Public Comment for the September 29, 2021 Board of Directors Meeting”. The agency clerk will read up to 3 minutes of any public comment submitted.

To participate via Conference Call, please use the dial-in number and access code provided.

If you have any questions, please contact Ana Flores, Clerk of the Board at [aflores@ambag.org](mailto:aflores@ambag.org) or at 831-883-3750.

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1. CALL TO ORDER

2. **ROLL CALL**
  
3. **Resolution in Accordance with AB 361 regarding the Ralph M. Brown Act and Finding of Imminent Risk to Health and Safety of In-Person Meetings as a Result of the Continuing COVID-19 Pandemic State of Emergency Declared by Governor Newsom**  
**RECOMMENDED ACTION: ADOPT**
  - Maura Twomey, Executive Coordinator

Adopt a resolution in accordance with AB 361 regarding the Ralph M. Brown Act and finding of imminent risk to health and safety of in-person meetings as a result of the continuing COVID-19 pandemic state of emergency declared by Governor Newsom.  
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4. **ORAL COMMUNICATIONS FROM THE PUBLIC ON ITEMS NOT ON THE AGENDA  
(A maximum of three minutes on any subject not on the agenda)**
  
5. **ORAL COMMUNICATIONS FROM THE BOARD ON ITEMS NOT ON THE AGENDA**
  
6. **OTHER BUSINESS**
  
7. **ADJOURN**

**NEXT BOARD OF DIRECTORS MEETING:**

The 2021 PRWFPA Board of Directors meeting locations are subject to change and may be held remotely in light of Governor Newsom’s State of Emergency declaration regarding the COVID-19 outbreak and in accordance with Executive Order N-29-20 and the shelter in place directives.

**Date: November 5, 2021**  
**Location: Conference Call**  
**Time: 9:00 AM**

If requested, the agenda shall be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 USC Sec. 12132), and the federal rules and regulations adopted in implementation thereof. If you have a request for disability-related modification or accommodation, including auxiliary aids or services, contact Ana Flores at 831-883-3750, or by email [aflores@ambag.org](mailto:aflores@ambag.org), at least 48 hours prior to the meeting date.

**A RESOLUTION  
OF THE EXECUTIVE/FINANCE COMMITTEE OF THE  
PAJARO RIVER WATERSHED FLOOD PREVENTION AUTHORITY AUTHORIZING REMOTE  
TELECONFERENCE MEETINGS OF PRWFPA LEGISLATIVE BODIES PURSUANT TO THE RALPH M.  
BROWN ACT AND FINDING OF IMMINENT RISK TO HEALTH AND SAFETY OF IN-PERSON MEETINGS  
AS A RESULT OF THE CONTINUING COVID-19 PANDEMIC STATE OF EMERGENCY DECLARED BY  
GOVERNOR NEWSOM**

**WHEREAS**, on March 4, 2020, Governor Newsom issued a Proclamation of State of Emergency in response to the COVID-19 pandemic; and,

**WHEREAS**, on March 17, 2020, Governor Newsom issued Executive Order N-29-20 that suspended the teleconferencing rules set forth in the California Open Meeting law, Government code Section 54950 et seq. (the "Brown Act"), provided certain requirements were met and followed; and

**WHEREAS**, on June 11, 2021, Governor Newsom issued Executive Order N-08-21 that clarified the suspension of the teleconferencing rules set forth in the Brown Act, and further provided that those provisions would remain suspended through September 30, 2021; and,

**WHEREAS**, on September 16, 2021, Governor Newsom signed AB 361 which provides that a legislative body subject to the Brown Act may continue to meet without fully complying with the teleconferencing rules in the Brown Act, provided that a State of Emergency is declared by the Governor pursuant to Government Code section 8625, and either state or local officials have imposed or recommended measures to promote social distancing, or the legislative body determines that meeting in person would present imminent risks to the health or safety of attendees, and further requires that certain findings be made by the legislative body every thirty (30) days; and,

**WHEREAS**, the State of Emergency proclaimed by the Governor on March 4, 2020, remains in effect; and,

**WHEREAS**, California Department of Public Health ("CDPH") and the federal Centers for Disease Control and Prevention ("CDC") caution that the Delta variant of COVID-19, 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 (<https://www.cdc.gov/coronavirus/2019-ncov/variants/delta-variant.html>); and,

**WHEREAS**, other variants of COVID-19 exist, and it is unknown at this time whether other variants may result in a new surge in COVID-19 cases; and,

**WHEREAS**, the CDC has established a "Community Transmission" metric with 4 tiers designed to reflect a community's COVID-19 case rate and percent positivity; and,

**WHEREAS**, Monterey and San Benito Counties currently have a Community Transmission metric of "high" which is the most serious of the tiers and Santa Clara and Santa Cruz Counties currently have a Community Transmission metric of "substantial"; and,

**WHEREAS**, due to the seriousness of the current pandemic situation, the CDPH has required that all unvaccinated persons wear facial coverings indoors, and the CDC and CDPH recommend that all persons, regardless of vaccination status, wear facial coverings indoors; and,

**WHEREAS**, the Board of Directors for the Pajaro River Watershed Flood Prevention Authority (PRWFPA) is empowered to take actions necessary to protect public, health, welfare and safety within the region; and,

**WHEREAS**, PRWFPA has an important governmental interest in protecting the health, safety, and welfare of those who participate in meetings of PRWFPA's various legislative bodies subject to the Brown Act; and,

**WHEREAS**, in the interest of public health and safety, as affected by the emergency caused by the spread of COVID-19, the PRWFPA Board of Directors deems it necessary to find that meeting in person for meetings of all PRWFPA related legislative bodies subject to the Ralph M. Brown Act would present imminent risks to the health or safety of attendees, and thus intends to invoke the provisions of AB 361 related to teleconferencing as provided in subdivision (e) of Government Code section 54953; and

**WHEREAS**, all teleconferenced meetings of PRWFPA related legislative bodies shall comply with the requirements to provide the public with access to meetings as prescribed in paragraph (2) of subdivision (e) of Government Code section 54953;

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Directors of the Pajaro River Watershed Flood Prevention Authority does hereby approve as follows:

1. The Board of Directors finds that meeting in person for meetings of all PRWFPA related legislative bodies subject to the Ralph M. Brown Act would present imminent risks to the health or safety of attendees.
2. This finding applies to all PRWFPA related legislative bodies subject to the Brown Act, including but not limited to, the Staff Working Group and any other standing committees.
3. Staff is directed to return to the Board of Directors no later than thirty (30) days after the adoption of this resolution, or by the next Board of Directors meeting (whichever comes first), with an item for the Board to consider making the findings required by AB 361 in order to continue meeting under its provisions.
4. The PRWFPA Executive Coordinator and PRWFPA Counsel are directed to take such other necessary or appropriate actions to implement the intent and purposes of this resolution.

**PASSED AND ADOPTED** this 29<sup>th</sup> day of September 2021.

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Dr. Nancy A. Bilicich, Chair

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Maura F. Twomey, Executive Coordinator