

**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 the PRWFPA's Board of Directors; 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 the Board of Directors 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's Board of Directors 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 as a result of the ongoing proclaimed State of Emergency in California due to the COVID-19 pandemic, and COVID-19's continued spread, holding in person meetings of the Board of Directors would present imminent risks to the health or safety of attendees.
2. 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.
3. 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 29th day of September 2021.

Dr. Nancy A. Bilicich, Chair

Maura F. Twomey, Executive Coordinator