

RESOLUTION NO. 2021-2226

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE LAS GALLINAS VALLEY SANITARY DISTRICT PROCLAIMING A LOCAL EMERGENCY, RATIFYING THE PROCLAMATION OF A STATE OF EMERGENCY BY ORDER OF GOVERNOR GAVIN NEWSOM, DATED MARCH 4, 2020, AND ISSUED A SERIES OF EXECUTIVE ORDERS AIMED AT CONTAINING THE NOVEL CORONAVIRUS. THESE EXECUTIVE ORDERS (N-25-20, N-29-20, N-35-20, N-08-21) COLLECTIVELY MODIFIED CERTAIN REQUIREMENTS CREATED BY THE RALPH M. BROWN ACT (“THE BROWN ACT”), THE STATE’S LOCAL AGENCY PUBLIC MEETINGS LAW, AND THEREBY AUTHORIZING REMOTE TELECONFERENCE MEETINGS OF THE BOARD OF DIRECTORS OF THE LAS GALLINAS VALLEY SANITARY DISTRICT (“District”) FOR THE PERIOD OF THIRTY (30) DAYS FROM THE DATE OF THE PASSAGE OF THIS RESOLUTION PURSUANT TO BROWN ACT PROVISIONS.

WHEREAS, the LAS GALLINS VALLEY SANITARY DISTRICT is committed to preserving and nurturing public access and participation in meetings of the Board of Directors; and

WHEREAS, all meetings of LAS GALLINS VALLEY SANITARY DISTRICT’s Board of Directors are open and public, as required by the Ralph M. Brown Act (Cal. Gov. Code 54950 – 54963), so that any member of the public may attend, participate, and watch the District’s Board of Directors 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 has been proclaimed by Governor Gavin Newsom, dated March 4, 2020 and continuing; and

WHEREAS, the California Department of Public Health has issues Health Orders, as of August 5, 2021, noting that California is currently experiencing the fastest increase in COVID-19 cases during the entire pandemic with 18.3 new cases per 100,000 people per day, with case rates increasing ninefold within two months. The Delta variant is highly transmissible and may cause more severe illness. In fact, recent data suggests that viral load is roughly 1,000 times higher in people infected with the Delta variant than those infected with the original coronavirus strain, according to a recent study. And that the Delta variant is currently the most common variant causing new infections in California; and

WHEREAS, effective, August 3, 2021, the Public Health Officer of The County of Marin (“Health Officer”), in keeping with Health Orders from the California Department of Public Health, required all individuals to wear face coverings when indoors in workplaces and public settings, with limited exemptions, and recommends that businesses make face coverings available to individuals entering the business on the basis Since April 2021, the SARS-CoV-2 B.1.617.2 (Delta) variant has been circulating in Marin County. This variant is highly transmissible in indoor settings and requires multi-component prevention strategies to reduce spread. Despite high vaccination rates, Marin County is experiencing substantial levels of community transmission due to the Delta variant. While most COVID-19 cases are among unvaccinated residents, the proportion of breakthrough cases is increasing. Hospitalizations have also increased, primarily among unvaccinated persons. Marin County is also seeing a concerning uptick in cases among staff and residents in long-term care facilities; and

WHEREAS, the Delta variant continues to pose a significant risk to the health and safety of attendees at an in-person meeting of the Board of Directors of the District; and

WHEREAS, the Board of Directors does hereby find that, as noted by the Governor, the California Department of Public Health and the Marin County Public Health Officer, that a State of Emergency continues to exist in regard to the Covid-19 outbreak and its Delta variant, 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 of the State of California, the California Department of Public Health and the Public Health Officer of The County of Marin; and

WHEREAS, as a consequence of the local emergency, the Board of Directors does hereby find that the Board of Directors of the LAS GALLINAS VALLEY SANITARY DISTRICT 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 District will continue to:

1. Clearly advertise the means by which members of the public can observe a public meeting or offer comment during a meeting remotely, via either a call-in or internet-based option;
2. Provide the relevant remote access information to members of the public looking to attend a meeting of a local agency legislative body. This information includes, but is not limited to: phone numbers, passwords, URLs, email addresses, etc., such that members of the public are able to attend the meeting remotely;
3. Ensure that the public remains able to connect to a meeting and offer public comment by the means previously advertised in the meeting notice or agenda; and
4. In the event that meetings are interrupted by technological or similar technical disruptions must first resolve those issues before taking any other action(s) on items on the meeting agenda.

NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE LAS GALLINAS VALLEY SANITARY DISTRICT 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. The Board hereby proclaims that a local emergency now exists throughout the District due to the continuing Covid-19 pandemic and its Delta variant, which would present an imminent risk to the health and safety of the Board of Directors

and members of the public at an in-person meeting due to the confined space in which the Board of Directors meeting are normally held.

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 State of Emergency, effective as of its issuance date of March 2, 2020 and continuing through follow-up Executive Orders, the most recent being Executive Order N-08-21, issued June 11, 2021.

Section 4. Remote Teleconference Meetings. The General Manager and Staff of the LAS GALLINAS VALLEY SANITARY 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.

Section 5. Effective Date of Resolution. This Resolution shall take effect immediately upon its adoption and shall be effective until the earlier of (i) October 30, 2021, 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 Board of Directors of the LAS GALLINAS VALLEY SANITARY DISTRICT may continue to teleconference without compliance with paragraph (3) of subdivision (b) of section 54953.

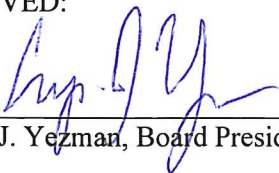
PASSED AND ADOPTED by the Board of Directors of LAS GALLINAS VALLEY SANITARY DISTRICT, this 30th day of September 2021, by the following vote:

AYES, and in the favor thereof, Members: Clark, Elias, Murray, Schwilman, Yezman
NOES, Members: None.
ABSENT, Members: None.
ABSTAIN, Members: None.



Teresa Lerch, District Secretary
Las Gallinas Valley Sanitary District

APPROVED:



Crystal J. Yezman, Board President

