

LAKE ARROWHEAD COMMUNITY SERVICES DISTRICT

MEMORANDUM

DATE: SEPTEMBER 28, 2021

TO: BOARD OF DIRECTORS
Lake Arrowhead Community Services District

FROM: JOSEPH BYRNE, General Counsel

SUBJECT: CONSIDER ADOPTION OF RESOLUTION NO. 2021-11 TO
CONTINUE VIRTUAL MEETINGS PURSUANT TO AB 361

A. RECOMMENDATION

Adopt a Resolution to continue remote meetings in October based upon the continued state of emergency for COVID-19 and find that (1) state and local officials have imposed or recommend measures to promote social distancing; and (2) meeting in person would present imminent risks to the health and safety of attendees.

B. REASON FOR RECOMMENDATION

Starting in March 2020, in response to the spread of COVID-19 in the State, the Governor issued a number of executive orders aimed at containing the COVID-19 virus which, among other things, waived certain requirements of the Brown Act to allow legislative bodies to meet virtually. Pursuant to the Governor's executive orders, the District has been holding meetings with a virtual component during the pandemic in the interest of protecting the health and safety of the public and Agency staff and Directors. The Governor's executive order allowing for such virtual meetings is being rescinded on September 30, 2021.

On September 16, 2021, the Governor signed AB 361 (Government Code Section 54953(e)), which allows legislative bodies to meet virtually provided there is a state of emergency, and either (1) state or local officials have imposed or recommended measures to promote social distancing; or (2) the legislative body determines by majority vote that meeting in person would present imminent risks to the health and safety of attendees. The Governor by executive order signed on September 20, 2021, suspended the effective date of AB 361 to October 1, 2021. As a result, if the District desires to have virtual Board meetings on or after October 1, 2021, it must do so consistent with the requirements of AB 361.

C. BACKGROUND INFORMATION

Starting in March 2020, in response to the spread of COVID-19 in the State, the Governor issued a number of executive orders aimed at containing the COVID-19 virus which, among other things, waived certain requirements of the Brown Act to allow legislative bodies to meet virtually. Pursuant to the Governor's executive orders, the District has been holding meetings with a virtual component during the pandemic in the interest of protecting the health and safety of the public and Agency staff and Directors. The Governor's executive order allowing for such virtual meetings is being rescinded on September 30, 2021.

On September 16, 2021, the Governor signed AB 361 (Government Code Section 54953(e)), which allows legislative bodies to meet virtually provided there is a state of emergency, and either (1) state or local officials have imposed or recommended measures to promote social distancing; or (2) the legislative body determines by majority vote that meeting in person would present imminent risks to the health and safety of attendees. The Governor by executive order signed on September 20, 2021, suspended the effective date of AB 361 to October 1, 2021. As a result, if the District desires to have virtual Board meetings on or after October 1, 2021, it must do so consistent with the requirements of AB 361.

At present, the conditions described above are met. There is still a proclaimed state of emergency, which will continue until the Governor cancels it, state and local officials are recommending social distancing, and there is a reasonable basis for the Board to find that due to the COVID-19 emergency, meeting in person would present imminent risks to the health and safety of attendees. As a result and assuming these conditions will be in place on the date of the District's first Board meeting in October, the Board may decide to continue remote meetings effective October 1, 2021. There is however no requirement for the Board of Directors to take such action.

D. FISCAL IMPACT

There is no fiscal impact associated with this item.

E. ENVIRONMENTAL IMPACT

This item does not qualify as a project under the California Environmental Quality Act (CEQA).

F. ATTACHMENTS

Resolution No. 2021-11

RESOLUTION NO. 2021-11

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE LAKE ARROWHEAD COMMUNITY SERVICES DISTRICT AUTHORIZING VIRTUAL BOARD AND COMMITTEE MEETINGS PURSUANT TO AB 361

WHEREAS, the Lake Arrowhead Community Services District (“District”) is committed to preserving and nurturing public access and participation in meetings of the Board of Directors; and

WHEREAS, all meetings of the District’s legislative bodies 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 and participate in the Agency’s meetings; and

WHEREAS, starting in March 2020, in response to the spread of COVID-19 in the State of California, the Governor issued a number of executive orders aimed at containing the COVID-19 virus; and

WHEREAS, among other things, these orders waived certain requirements of the Brown Act to allow legislative bodies to meet virtually; and

WHEREAS, pursuant to the Governor’s executive orders, the District has been holding virtual meetings during the pandemic in the interest of protecting the health and safety of the public, District staff and Directors; and

WHEREAS, the Governor’s executive order related to the suspension of certain provisions of the Brown Act expires on September 30, 2021; and

WHEREAS, on September 16, 2021 the Governor signed AB 361 (in effect as of October 1, 2021 – Government Code Section 54953(e)), which allows legislative bodies to meet virtually provided there is a state of emergency, and either (1) state or local officials have imposed or recommended measures to promote social distancing; or (2) the legislative body determines by majority vote that 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 related to COVID-19, state and local officials are recommending measures to promote social distancing, and because of the ongoing threat of COVID-19, meeting in person would present imminent risks to the health and safety of attendees;

NOW, THEREFORE, BE IT RESOLVED THE BOARD OF DIRECTORS OF THE LAKE ARROWHEAD COMMUNITY SERVICES 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. Remote Teleconference Meetings: Consistent with the provisions of Government Code Section 54953(e), the Board of Directors finds and determines that (1) a state of emergency related to COVID-19 is currently in effect; (2) state and local officials have recommended measures to promote social distancing in connection with COVID-19; and (3) due to the COVID-19 emergency, meeting in person would present imminent risks to the health and safety of attendees. Based on such facts, findings and determinations, the Board authorizes staff to conduct remote teleconference meetings of the Board of Directors, including Committee meetings, under the provisions of Government Code Section 54953(e).

Section 3. Effective Date of Resolution. This Resolution shall take effect October 1, 2021, and shall be effective for 30 days or until this Resolution is extended by a majority vote of the Board of Directors in accordance with Section 4 of this Resolution.

Section 4. Extension by Motion. The Board of Directors may extend the application of this Resolution by motion and majority vote by up to 30 days at a time, provided that it makes all necessary findings consistent with and pursuant to the requirements of Section 54953(e)(3).

PASSED AND ADOPTED by the Board of Directors of the Lake Arrowhead Community Services District this 28th day of September 2021, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

John Wurm, President of the Board
of Directors of the Lake Arrowhead
Community Services District

ATTEST:

(SEAL)

Kathleen Field, Secretary of the Lake
Arrowhead Community Services District
and to the Board of Directors

CERTIFICATION

I, Kathleen Field, Board Secretary of the Lake Arrowhead Community Services District, hereby certify that the foregoing is a full, true, and correct copy of the Resolution No. 2021-11 adopted by the Board of Directors of said Agency at the regular meeting of said Board held on the 28th day of September 2021, by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

Kathleen Field, Secretary of the Lake
Arrowhead Community Services
District and to the Board of Directors