



Those persons wishing to speak on any item included on the agenda should fill out and submit to the Board Clerk/Administrative Coordinator a "Request to Speak" form (name and address optional), which is available in the Board Room or contact the Board Clerk at least two hours prior to the meeting time at the email address and phone number listed below. If you have any questions, you may contact Board Clerk Dena Lamarque via email at dlamarque@cbwcd.org or contact the District office at (909) 626-2711.

The Chino Basin Water Conservation District complies with the Americans with Disabilities Act and amendments thereto. If you require special assistance to participate in this meeting or if you desire a copy of the Agenda in an alternate format, please contact the District office at (909) 626-2711 at least 48 hours prior to the advertised starting time of the meeting.

**SPECIAL MEETING
OF THE BOARD OF DIRECTORS**

**Chino Basin Water Conservation District
4594 San Bernardino Street
Montclair, CA 91763**

Monday, October 24, 2022

10:00 a.m.

A G E N D A

To participate virtually, download Zoom on any phone or computer device and use the following Meeting ID:

<https://us06web.zoom.us/j/81668684740?pwd=ZmFaM3Vhbmd2RWc4TlNyMHhBZHc0UT09>

Mobile Dial In: 1 (669) 900-6833, or 1 (408) 638-0968
Meeting ID: 816 6868 4740

INVOCATION

CALL TO ORDER

ROLL CALL

Board Members: President Terry King, Vice President Margaret Hamilton, Division 2 - Vacant, Directors Gil Aldaco, Hanif Gulmahamad, Mark Ligtenberg, and Ryan Sonnenberg.

ADDITIONS OR CHANGES TO THE AGENDA

In accordance with Section 54954.2 of the Government Code (Brown Act), a two-thirds vote (or unanimous vote if less than two-thirds are present), is required to add an item for action, provided that there is a need to take immediate action and that the need for action came to the attention of the agency after the agenda was posted.

PRESENTATIONS – None.

CONSENT CALENDAR – None.

PUBLIC HEARINGS – None.

PUBLIC COMMUNICATIONS

This is the time and place for the general public to address the Board of Directors. Due to Brown Act requirements, action will not be taken on any issues not on the Agenda; however, the Board of Directors may refer comments and concerns to staff or request the item be placed on a future agenda. In accordance with District Resolution No. 2020-05: Decorum During Public Meetings, each speaker shall be allotted five (5) minutes of time to address the Board.

DISCUSSION ITEMS

1. **Resolution No. 2022-16 to Authorize the Use of Teleconference Technology for Meetings for a Period of 30-days Consistent with Assembly Bill (AB) 362.** Approve.

INFORMATIONAL ITEMS - None

ADJOURN

The Board of Directors will adjourn to the next Regular Meeting of the Chino Basin Water Conservation District, to be held on Monday, November 14, 2022, at 2:00 p.m. at District Headquarters, located at 4594 San Bernardino Street, Montclair, CA 91763.

I, Dena Lamarque, Board Clerk/Administrative Coordinator of the Chino Basin Water Conservation District, do hereby certify that a copy of this agenda has been posted by 2:00 p.m. on Wednesday, October 19, 2022.

Dena Y. Lamarque

Dena Y. Lamarque, Board Clerk/Administrative Coordinator



STAFF REPORT
CHINO BASIN WATER CONSERVATION DISTRICT
REGULAR BOARD MEETING

MEETING DATE: October 24, 2022 **AGENDA ITEM:** DI 1

FROM: Elizabeth Skrzat, General Manager
Dena Lamarque, Board Clerk/Administrative Coordinator

SUBJECT: Resolution No. 2022-16 Authorizing the Use of Teleconference Technology for Meetings for a Period of 30-days Consistent with Assembly Bill (AB) 361

ATTACHMENTS: 1) Resolution 2022-16 Proclaiming a Local Emergency, Ratifying the Proclamation of a State of Emergency by Governor Newsom on March 4, 2020, and authorizing remote teleconference meetings of the governing body of the Chino Basin Water Conservation District for the period of 30 days pursuant to Brown Act Provisions of AB 361.

RECOMMENDATION

Staff recommends that the Board adopt Resolution No. 2022-16 Authorizing the Use of Teleconference Technology for Meetings for a Period of 30-days Consistent with Assembly Bill (AB) 361.

FISCAL IMPACT

None.

BACKGROUND

Assembly Bill (AB) 361 was signed by the Governor of the State of California and went into effect immediately.

The bill amends the Brown Act to allow local legislative bodies to continue having purely virtual meetings using teleconferencing and virtual meeting technology as long as there is a gubernatorial “proclaimed state of emergency,” with 1) state or local officials imposing or recommending measures that promote social distancing or 2) the legislative body finding that meeting in person would present an imminent safety risk to attendees.

The key differences between previous Executive Order N-08-21, which expired September 30, 2021, and AB 361 is that AB 361 imposes requirements with respect to public comment and viewing of deliberations. Additionally, the District must make findings and adopt via resolution by majority vote that the state of emergency still exists and continues to directly impact the ability of the members to meet safely in person every 30-days.

ISSUES/ANALYSIS

On October 10, 2022, the Board of Directors adopted Resolution No. 2022-15 authorizing Board and Committee meetings to meet remotely through November 9, 2022. This subsequent Resolution will extend the ability for board and committee meetings to meet remotely from October 24, 2022, through November 23, 2022.

It is important to note that neither AB 361 nor Resolution No. 2022-16 would require any meeting to be held in an all-virtual format. Some government agencies continue to adopt resolutions pursuant to AB 361 to allow the public to participate remotely because of space considerations in the public meeting format. Failing to adopt Resolution No. 2022-16 would require meetings to be held in-person under traditional Brown Act parameters; adopting the resolution would give the District flexibility as it moves forward with meetings over the next thirty (30) days. It may be the case that some meetings are best held virtually while others lend themselves to in-person attendance by the Board of Directors and some staff but virtual attendance by the public. Regardless of the choice, the location, physical or virtual, along with instructions for how to participate and submit public comment, must be posted 72 hours in advance in the meeting agenda. Last minute changes are not permitted under this provision.

The Board of Directors is asked to consider the safety and procedural issues involved in holding remote meetings pursuant to AB 361 and, if the facts so require, to adopt Resolution No. 2022-16 to authorize the Board of Directors and Committees to meet virtually through November 23, 2022.

RESOLUTION NO. 2022-16

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE CHINO BASIN WATER CONSERVATION DISTRICT PROCLAIMING A LOCAL EMERGENCY, RATIFYING THE PROCLAMATION OF A STATE OF EMERGENCY BY GOVERNOR NEWSOM ON MARCH 4, 2020, AND AUTHORIZING REMOTE TELECONFERENCE MEETINGS OF THE GOVERNING BODY OF CHINO BASIN WATER CONSERVATION DISTRICT FOR THE PERIOD OF 30 DAYS PURSUANT TO BROWN ACT PROVISIONS OF AB 361.

WHEREAS, the Chino Basin Water Conservation District is committed to preserving and nurturing public access and participation in meetings of the Board of Directors; and

WHEREAS, all meetings of the Chino Basin Water Conservation 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, participate, and watch the District's legislative bodies conduct their business; and

WHEREAS, the Brown Act, Government Code section 54953, 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 proclaimed, and state or local official have imposed or recommended measures to promote social distancing; and

WHEREAS, on March 4, 2020, Governor Newsom declared a State of Emergency as a result of the COVID-19 pandemic; and

WHEREAS, the Omicron variant is highly transmissible in indoor settings and has contributed to the high community transmission currently being seen in San Bernardino County; and

WHEREAS, even with protective shielding in the Board Room, the lack of social distancing still creates a risk of transmission should the Board of Directors meetings run their normal length of time and be attended by the entire Board of Directors and the normal contingent of District staff.

NOW, THEREFORE, BE IT RESOLVED,

SECTION 1. State of Emergency and Social Distancing. Due to COVID-19, the State of California continues to be in a state of emergency and the County of San Bernardino continues to impose and recommend measures requiring social distancing and other pandemic control activities, which measures make holding in-person Board of Director and Committee meetings difficult due to the potential of transmission of COVID-19 at meetings and to ensure that a

legislative quorum is met should legislators be placed in isolation or quarantine per Center for Disease Control (CDC) guidelines.

SECTION 2. Compliance with Government Code Section 54953. The Board of Directors and Committee Meetings will offer teleconference meetings and access to the public in accordance with Government Code section 54953(e).

SECTION 3. Effective Date of Resolution. This Resolution shall take effect immediately upon its adoption and shall be effective until the earlier of (i) 30 days from the date of adoption of this Resolution, or (ii) 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 may continue to teleconference without compliance with paragraph (3) of subdivision (b) of section 54953.

PASSED, APPROVED, AND ADOPTED this 24th day of October 2022.

AYES:
NOES:
ABSTAIN:
ABSENT:

Terence King
President, Board of Directors

ATTEST: _____
Elizabeth Skrzat
Secretary, Board of Directors