



**NORTH DELTA WATER AGENCY
RESOLUTION NO. 2023-01**

**RE-AUTHORIZING REMOTE TELECONFERENCE MEETINGS OF
NORTH DELTA WATER AGENCY PURSUANT TO THE BROWN ACT**

WHEREAS, the North Delta Water Agency (“Agency”) is committed to preserving public access and participation in meetings of the Board of Directors; and

WHEREAS, all meetings of the Agency are open and public, as required by the Ralph M. Brown Act (Gov. Code, §§ 54950 – 54963) (“Brown Act”), so that any member of the public may attend, participate, and watch the Agency’s legislative body conduct its business; and

WHEREAS, Assembly Bill 361 added Government Code section 54953(e) to make 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, it is further required that 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 and safety of attendees; and

WHEREAS, the Board of Directors previously adopted Resolution No. 2022-11 on December 7, 2022, finding that the requisite conditions existed for the Agency to conduct remote teleconference meetings without compliance with paragraph (3) of subdivision (b) of section 54953; and

WHEREAS, as a condition of extending the use of the provisions found in Section 54953(e), the Board of Directors must reconsider the circumstances of the state of emergency that exists in the Agency; and

WHEREAS, such conditions persist in the Agency, specifically, the March 4, 2020 State of Emergency Proclamation remains active in California due to the continued threat of COVID-19; and

WHEREAS, the Board of Directors does hereby find that despite safety measures, meeting in person would present imminent risks to the health or safety of attendees due to the rise in COVID-19 and the high transmissibility of the Omicron variant; and

WHEREAS, the Board of Directors does hereby find that the Agency shall continue to conduct its meetings without compliance with paragraph (3) of subdivision (b) of Government Code section 54953, as authorized by subdivision (e) of section 54953, and that the Board 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, all meeting agendas, meeting dates, times, and manner in which the public may participate in the public meetings of the Agency and offer public comment by telephone or internet-based service options including video conference will continue to be posted on the Agency website and physically outside of the Agency office.

NOW, THEREFORE, THE BOARD OF DIRECTORS OF NORTH DELTA WATER AGENCY 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. Risks to Health and Safety of Attendees. The Board has reconsidered the conditions of the State of Emergency and hereby determines that meeting in person would present imminent risks to the health or safety of attendees due to the increased cases of COVID-19 and the high transmissibility of the Omicron variant.

Section 3. Remote Teleconference Meetings. Agency staff 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 March 2, 2023, 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 Agency may continue to teleconference without compliance with paragraph (3) of subdivision (b) of section 54953.

PASSED AND ADOPTED by the Board of Directors of NORTH DELTA WATER AGENCY, this _____ day of _____, 2023, by the following vote:

AYES:

NOES:

ABSENT: