

RESOLUTION NO. 2022-23

A RESOLUTION OF THE SAN GORGONIO PASS WATER AGENCY RE-AUTHORIZING REMOTE TELECONFERENCE/VIRTUAL MEETINGS OF SAN GORGONIO PASS WATER AGENCY LEGISLATIVE BODIES FOR THE PERIOD OF SEPTEMBER 19, 2022 to OCTOBER 19, 2022 PURSUANT TO BROWN ACT PROVISIONS

WHEREAS, the Board of Directors of the San Gorgonio Pass Water Agency is committed to preserving and nurturing public access and participation in meetings of the Board; and

WHEREAS, meetings of the Board and standing committees (collectively, “Legislative Bodies”) are open and public, as required by the Ralph M. Brown Act (Government Code Sections 54950 – 54963); and

WHEREAS, the Brown Act makes provisions for remote teleconferencing participation subject to the existence of certain conditions. A required condition is that a state of emergency is declared by the Governor. It is further required that state or local officials have imposed or recommended measures to promote social distancing, or, meeting in person would present imminent risks to the health and safety of attendees; and

WHEREAS, the Board previously adopted Resolution No. 2022-21 on August 22, 2022, finding that the requisite conditions exist for the Pass Water Agency Legislative Bodies to conduct remote teleconference/virtual meetings without compliance with Government Code Section 54953(b)(3); and

WHEREAS, as a condition of extending the use of the provisions found in Government Code Section 54953(e), the Board must reconsider the circumstances of the State of Emergency that exist, and the Board has done so; and

WHEREAS, such conditions persist in the Pass Water Agency, specifically, on March 4, 2020, the Governor proclaimed a State of Emergency to exist in California as a result of the threat of COVID-19 and that State of Emergency remains in effect. In addition, state officials have issued orders imposing or recommending social distancing measures for certain individuals and in certain situations. For example, and not by way of limitation, social distancing is referenced in guidance on vaccine doses for persons who are immunocompromised and in certain situations under general industry safety orders. Furthermore, the state legislature has made findings that by removing the requirement that public meetings be conducted at a primary physical location with a quorum of members present, AB 361 protects the health and safety of civil servants and the public and does not preference the experience of members of the public who might be able to attend a meeting in a physical location over members of the public who cannot travel or attend that meeting in a physical location.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE SAN GORGONIO PASS WATER AGENCY AS FOLLOWS:

1. Incorporation Of Recitals The Recitals in this Resolution are true and correct and the Board so finds, determines and represents. Said Recitals are incorporated herein and made a part of this Resolution.

2. Authority To Implement The Legislative Bodies, as well as the General Manager or his designee, 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.

3. Effective Date This Resolution shall take effect immediately upon its adoption and shall be effective until the earlier of: (a) October 19, 2022 or (b) such time as the Board adopts a subsequent resolution in accordance with Government Code Section 54953(e)(3) to extend the time during which Legislative Bodies may continue to teleconference without compliance with Government Code Section 54953(b)(3).

4. Severability If any section, subsection, clause or phrase in this Resolution is for any reason held invalid, the validity of the remainder of this Resolution shall not be affected thereby. The Board hereby declares that it would have passed this Resolution and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that one or more sections, subsections, sentences, clauses or phrases or the application thereof be held invalid.

ADOPTED AND APPROVED this 9th day of September 19, 2022.

Larry Smith, President
San Geronio Pass Water Agency

ATTEST:

Lance Eckhart, Secretary
San Geronio Pass Water Agency