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Board of Directors

Tobe Plough, President
Kenneth Coates, Vice President
Cori Hayman, Director
Floyd Wicks, Director
Brian Goebel, Director

**General Manager and
Board Secretary**

Nick Turner

**SPECIAL MEETING
BOARD OF DIRECTORS
MONTECITO WATER DISTRICT
583 SAN YSIDRO ROAD, MONTECITO, CALIFORNIA**

Join by Teleconference:

<https://zoom.us/j/91267925034?pwd=UHFhMHZPeVBjbFZhcytKQ1N2bzcxZz09>

Meeting ID: 912 6792 5034; Passcode: 363594

Tel: (669) 900 6833

**TUESDAY, JANUARY 11, 2022
9:25 A.M.**

AGENDA

1. CALL TO ORDER, ROLL CALL, DETERMINATION OF QUORUM

2. PUBLIC FORUM

This portion of the agenda may be utilized by any member of the public to address and ask questions of the Board of Directors on any matter not on the agenda within the jurisdiction of the Montecito Water District. Depending upon the subject matter, the Board of Directors may be unable to respond at this time, or until the specific item is placed on the agenda at a future MWD Board meeting in accordance with the Ralph M. Brown Act.

3. BOARD OF DIRECTORS

- * A. BOARD ACTION: Extension of Resolution No. 2225 authorizing remote teleconference meetings

4. ADJOURNMENT

Note: In accordance with the State of Emergency declaration issued on March 4, 2020 by the Governor of the State of California in response to COVID-19, Santa Barbara County Public Health Department Orders, and Government Code 54953(e), in-person public participation at Montecito Water District meetings is suspended. The District has established alternative methods of participation which permit members of the public to observe and address public meetings telephonically and/or electronically. These methods of participation can be accessed through the internet link provided at the top of this agenda.

* indicates attachment included for this item

This agenda was posted on the District website, and at the Montecito Water District outside display case at 10:00 a.m. on January 10, 2022. The Americans with Disabilities Act provides that no qualified individual with a disability shall be excluded from participation in, or denied the benefits of, the District's programs, services or activities because of any disability. If you need special assistance to participate in this meeting, please contact the District Office at 805-969-2271. Notification at least twenty-four (24) hours prior to the meeting will enable the District to make appropriate arrangements.

Agendas, agenda packets, and additional materials related to an item on this agenda submitted to the Board after distribution of the agenda packet are available on the District website.

**MONTECITO WATER DISTRICT
MEMORANDUM**

SECTION: 3-A

DATE: JANUARY 11, 2022

TO: BOARD OF DIRECTORS

FROM: GENERAL MANAGER

**SUBJECT: EXTENSION OF RESOLUTION 2225 AUTHORIZING REMOTE
TELECONFERENCE MEETINGS**

RECOMMENDATION:

That the Board of Directors extend Resolution 2225 authorizing remote teleconference meetings of the legislative bodies of Montecito Water District.

DISCUSSION:

On November 16, 2021 the Board passed Resolution 2225, which repealed Resolution 2223 authorizing remote teleconference meetings pursuant to AB 361. AB 361 modifies the Brown Act and authorizes teleconference meetings when a State of Emergency has been proclaimed by the Governor, and meeting in person presents imminent risk to the health and safety of attendees. [Government Code §54953(e)(1)]

In order to continue teleconference meetings, AB 361 requires reconsideration of findings every 30 days. [Government Code §54953(e)(3)]. Since the passage of AB 361, the Governor's March 4, 2020 Proclamation of Emergency due to COVID-19 remains in effect, and conditions set forth in Resolution 2225 have not changed with respect to the risks to the health and safety of attendees. On December 30, 2021, the Santa Barbara County Public Health Department issued Order 2021-10.8 extending prior orders concerning COVID-19. Staff will continue to monitor the status of the Governor's order, local orders, and prevailing conditions, and inform the Board of same.

Staff recommends that, based on reconsideration of the above referenced conditions, Resolution 2225 be extended for 30 days. Such extension shall take effect immediately and will be effective until the earlier of February 10, 2022 or until such time the Board takes additional action by resolution or motion in accordance with Water Code §30523 and Government Code §54953(e) to extend the time during which the legislative bodies of Montecito Water District may continue to teleconference without compliance with standard Brown Act requirements.

ATTACHMENTS:

1. MWD Resolution 2225

RESOLUTION NO. 2225

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE MONTECITO WATER DISTRICT ACKNOWLEDGING A LOCAL EMERGENCY EXISTS AND THE GOVERNOR'S PROCLAMATION OF A STATE OF EMERGENCY BY EXECUTIVE ORDER, AND AUTHORIZING REMOTE TELECONFERENCE MEETINGS OF THE LEGISLATIVE BODY OF MONTECITO WATER DISTRICT PURSUANT TO RALPH M. BROWN ACT PROVISIONS.

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

WHEREAS, all meetings of Montecito Water 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(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 extreme peril to the safety of persons and property within the state as described in Government Code section 8558 caused by natural, technological or human conditions; and

WHEREAS, such conditions now exist in the State of California, generally and in the District, specifically, as established by a State of Emergency declaration issued by Governor Gavin Newsom on March 4, 2020 which is still in force and effect; and

WHEREAS, based on the existing State of Emergency declaration issued by Governor Gavin Newsom of the State of California, and a series of Santa Barbara County Public Health Department orders issued on August 6, 2021, September 5, 2021, October 5, 2021 and November 4, 2021, these authorities find that meeting in person would present imminent risk to health and safety of attendees by creating conditions that could cause and/or contribute to the spread of COVID 19; and

WHEREAS, Montecito Water District has taken measures to ensure meeting access for the public via the Zoom platform, including electronic and telephonic access.

NOW, THEREFORE, THE BOARD OF DIRECTORS OF MONTECITO WATER DISTRICT DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. Repeals. Resolution No. 2223: The provisions of Resolution No. 2223 are hereby repealed in their entirety and shall have no further force or effect as of the effective date of this Resolution.

Section 2. Recitals. The Recitals set forth above are true and correct and are incorporated into this Resolution by this reference.

Section 3. Acknowledgement of Local Emergency. The Board hereby acknowledges that a local emergency exists throughout the District, based on the existing State of Emergency declaration issued by Governor Gavin Newsom of the State of California, and a series of Santa Barbara County Public Health Department Orders issued on August 6, 2021, September 5, 2021, October 5, 2021 and November 4, 2021, and that these authorities find that meeting in person would present imminent risk to health and safety of attendees by creating conditions that could cause and/or contribute to the spread of the COVID 19;

Section 4. Acknowledgement of Governor's Proclamation of a State of Emergency. The Board hereby acknowledges the Governor of the State of California's Proclamation of State of Emergency, effective as of its issuance date of March 4, 2020.

Section 5. Remote Teleconference Meetings. The General Manager and legislative bodies of Montecito Water 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. The legislative bodies of Montecito Water District shall, in the discretion of the Board, conduct meetings without compliance with paragraph (3) of subdivision (b) of Government Code section 54953 and shall provide the public with access to meetings as prescribe in paragraph (2) of subdivision (e) of section 54953.

Section 6. Effective Date of Resolution. This Resolution shall take effect immediately upon its adoption and shall be effective until the earlier of (i) December 16, 2021, or such time the Board of Directors takes subsequent action by resolution or motion in accordance with Water Code section 30523 and Government Code section 54953(e)(3) to extend the time during which the legislative bodies of Montecito Water 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 the Montecito Water District this 16th of November 2021 by the following roll call vote:

AYES: Directors Coates, Goebel, Hayman, Plough, and Wicks

NOES: None

ABSENT: None

ABSTAIN: None

A black rectangular box containing a handwritten signature in blue ink that reads "Cheryl Pyle".

ATTEST:

Nick Turner, Secretary