



**Fillmore and Piru Basins**  
Groundwater Sustainability Agency

**Board of Directors Meeting**  
**Thursday**  
**October 21, 2021**  
**5:00 p.m.**

In accordance with the California Governor's Executive Stay at Home Order and the County of Ventura Health Officer Declared Local Health Emergency and Be Well at Home Order resulting from the novel coronavirus (COVID-19), the Fillmore City Hall is closed to the public. Therefore, the FPB GSA will be holding its Regular Board of Directors meeting virtually using the ZOOM video conferencing application.

If you are new to ZOOM video conferencing, please visit this help page in advance of the meeting date and time:  
<https://support.zoom.us/hc/en-us/articles/201362193-How-Do-I-Join-A-Meeting->

To participate in the Board of Directors meeting via Zoom, please access:

<https://us02web.zoom.us/j/82477092074?pwd=SkJoa2hhZk5pUG1wZzJLa3V5dGZsQT09>

Meeting ID: **824 7709 2074**

Password: **FPBGSA**

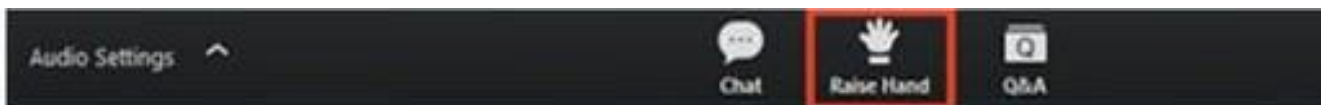
To hear just the audio portion of the meeting, phone into the toll-free number 877 853 5247

Meeting ID: **824 7709 2074**

All participants are asked to join the meeting at least five minutes in advance of the 5pm start time and be aware that all participants will be "muted" until recognized by the host. If your computer has a camera, please enable it so we can ensure better engagement between participants.

If you would like to address the Board with a question or offer a comment, please follow these simple instructions to engage the host (Clerk of the Board):

1. During a meeting, click on the icon labeled "Participants" at the bottom center of your computer screen.
2. At the bottom of the window on the right side of the screen, click the button labeled "Raise Hand."
3. Once you've been recognized by the Chair, please click on "Raise Hand" again to remove the signal.



Similarly, if you have a comment or question for the Board, you can use the "Chat" button to convey your question or comment to the HOST, who will put you in line to address the Board.

**The Fillmore and Piru Basins GSA Board of Directors appreciates your participation and patience in using Zoom to conduct its public meeting.**

## **AGENDA**

### **1. CALL TO ORDER**

**1A Pledge of Allegiance**

**1B Directors Roll Call**

**1C Public Comments**

Fillmore and Piru Basins Groundwater Sustainability Agency (Agency) will accept public comment concerning agenda items at the time the item is considered and on any non-agenda item within the jurisdiction of the Board during the agendaized Public Comment period. No action will be taken by the Board on any non-agenda item. In accordance with Government Code § 54954.3(b)(1), public comment will be limited to three (3) minutes per speaker per issue.

**1D Approval of Agenda  
Motion**

**2. UPDATES**

**2A Director Announcements/Board Communications:**

Oral Reports from the Board

**Fillmore Pumpers Association Stakeholder Director Update**

**Piru Pumpers Association Stakeholder Director Update**

**Environmental Stakeholder Director Update**

**City of Fillmore Member Director Update**

**United Water Conservation District Member Director Update**

**County of Ventura Member Director Update**

**2B Executive Director Update**

**Information Item**

The Executive Director will provide an informational update on Agency activities since the previous Board meeting of September 23, 2021.

**2C Legal Counsel Update**

**Information Item**

Legal Counsel will provide an informational update on Agency's legal issues and concerns since the previous Board of Directors meeting of September 23, 2021.

**2D GSP Consultant Update**

**Information Item**

Representatives from Daniel B Stephens & Associates and UWCD will provide an informational update on Agency's GSP development activities since the previous Board meeting of September 23, 2021.

### 3. CONSENT CALENDAR

All matters listed under the Consent Calendar are considered routine by the Board and will be enacted by one motion. There will be no separate discussion of these items unless a Board member pulls an item from the Calendar. Pulled items will be discussed and acted on separately by the Board. Members of the public who want to comment on a Consent Calendar item should do so under Public Comments. (ROLL CALL VOTE REQUIRED)

#### 3A Approval of Minutes

The Board will consider approving the Minutes from the regular Board Meeting of September 23, 2021.

#### 3B Approval of Warrants

The Board will consider approving payment of outstanding vendor invoices

- DBS&A Consultants \$87,069.81
- United Water Conservation District \$37,108.66
- Olivarez Madrugal Lemieux O'Neill, LLP \$ 1,822.50
- County of Ventura IT Services \$ 377.68

#### 3C Monthly Financial Report

The Board will receive the Agency's monthly profit and loss statement and balance sheet.

### 4. MOTION ITEMS

#### 4A Resolution 2021-06 Invoking the Provisions of Assembly Bill 361 Regarding its Public Meetings During the COVID-19 Emergency Period

##### Motion

The Board will consider adoption of Resolution 2021-06 invoking the provisions of Assembly Bill 361 regarding the conduct of its public meetings during the ongoing State of California-declared emergency regarding COVID-19.

### FUTURE TOPICS FOR BOARD DISCUSSION

### ADJOURNMENT

The Board will adjourn to the next **Regular Board Meeting** on Thursday, **November 18, 2021**, or call of the Chair.

*Materials, which are non-exempt public records and are provided to the Board of Directors to be used in consideration of the above agenda items, including any documents provided subsequent to the publishing of this agenda, are available for inspection at UWCD's offices at 1701 N. Lombard Street in Oxnard during normal business hours.*

*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 services, programs or activities because of any disability. If you need special assistance to participate in this meeting, or if you require agenda materials in an alternative format, please contact the UWCD Office at (805) 525-4431 or the City of Fillmore at (805) 524-1500. Notification of at least 48 hours prior to the meeting will enable the District to make appropriate arrangements.*

Approved:   
Board Chair Kelly Long

Posted: (date) October 15, 2021 (time) 9:30am (attest) *Eva Ibarra*  
At: <https://www.FPBGSA.org>

Posted: (date) October 15, 2021 (time) 9:45am (attest) *Eva Ibarra*  
At: <https://www.facebook.com/FPBGSA/>

Posted: (date) October 15, 2021 (time) 10:00am (attest) *Eva Ibarra*  
At: UWCD, 1701 N. Lombard Street, Oxnard CA 93030



**Board of Directors Meeting**  
**Thursday, September 23, 2021**  
**MINUTES**

**Directors Present**

Director Kelly Long, Chair  
Director Ed McFadden, Vice Chair/Secretary  
Director Gordon Kimball  
Director Candice Meneghin  
Director Glen Pace  
Director Christina Villaseñor

**Staff Present**

Anthony Emmert, Executive Director  
Scott Nave, Legal Counsel  
Eva Ibarra, Clerk of the Board

**Public Present**

Lisa Ballin, CSUS/DBS&A  
Dan Detmer, UWCD  
Burt Handy  
Logan Hardison  
Rachel Laenen  
Tony Morgan, DBS&A  
Patrick O'Connell, DBS&A  
Steve Zimmerman  
Gilead Wurman

**1. Call to Order – First Open Session 7:00 pm**

Kelly Long called the meeting to order at 7:00 pm.

**1A. Pledge of Allegiance**

Director McFadden led participants in the Pledge of Allegiance.

**1B. Directors Roll Call**

Roll call: (Chair Long, Vice Chair McFadden, Kimball, Meneghin, Pace, Villasenor);  
six Directors present.

**1C. Public Comments**

Chair Long asked if there were any public comments; none were offered.

**1D. Approval of Agenda**

**Motion**

Motion to approve the agenda, McFadden; Second, Meneghin. Roll call vote: six ayes (Chair Long, Vice Chair McFadden, Kimball, Meneghin, Pace, Villasenor); none opposed. Motion carries 6/0.

**2. UPDATES**

**2A Director Announcements/Board Communications:**

Oral Reports from the Board

**Fillmore Pumpers Association Stakeholder Director Update**

Director Kimball reported the Fillmore Basin Pumpers Association held a membership meeting on September 14, where they discussed the draft GSPs and had a report from consultant Bryan Bondy on his observations and recommendations regarding the draft GSPs. The Associations will be sharing their comments with the consultants.

**Piru Pumpers Association Stakeholder Director Update**

Director Pace reported that the Piru Basin Pumpers Association also met on September 14 and echoed the same as that reported by the Fillmore Basin Pumpers Association.

**Environmental Stakeholder Director Update**

Director Meneghin reported all of the representatives of the environmental organizations were invited by the Santa Clara River Steelhead Coalition to meet on September 9 and coordinate regarding developing comments and recommendations on the draft GSPs. She invited environmental stakeholders to participate in the stakeholder workshops. Director Meneghin also reported that she had formally called on U. S. Fish and Wildlife Service, as she felt their participation and commenting has been lacking. The agency has taken that message back and stated there seems to be a capacity constraint. Director Meneghin also mentioned that Friends of the Santa Clara River had hosted a Coastal Cleanup Day event at a new site in Fillmore, at Shiell's Park, where 44 people came out to help, and over 1,000 pounds of trash was collected. She also noted inland waters are in need of more attention than the coast and named a few other areas that are also being cleaned up.

**City of Fillmore Member Director Update**

Director Villaseñor reported she also participated in Coastal Cleanup Day event at Shiell's Park and was happy to see young people helping in the cleanup. She reminded the Board of the loss of Fillmore's Councilmember Ari Larson. She also mentioned that at the last City Council meeting, the sale of the City Towne Theatre to a group called Mud Turtle, a nonprofit performance organization, was approved.

### **United Water Conservation District Member Director Update**

Vice Chair McFadden reported United Water will be hosting its Summit for Water Sustainability 2021 on Thursday, October 14, and asked everyone to add it to their calendars.

### **County of Ventura Member Director Update**

Chair Long thanked everyone that attended the Coastal Cleanup Day events and mentioned the County is working with nonprofit organizations, city partners and private property owners in cleaning the watershed and helping with the homeless population along the Santa Clara River. She added that the cleanup effort started near the estuary and is working its way up the river. She mentioned that Supervisors LaVere and Ramirez are also engaged in this effort and other community clean-up efforts. She stated that the Board of Supervisors will be considering appointments to committees in the near future, including appointments to the groundwater sustainability agencies.

## **2B Executive Director Update**

### **Information Item**

Executive Director Anthony Emmert provided an update and mentioned staff is currently working on the Ground Water Planning grant Progress Report 10 and Invoice 10, which are due November 15. He said he continues working with the grant manager on an amendment that will provide a time extension for monitoring wells construction. He also mentioned a couple of the deliverables from United Water Conservation District regarding the regional groundwater model. He stated that staff continues to work on finalizing documentation on the model, and United has received the final report from the expert panel that has been overseeing the model development process. He stated that staff has incorporated earlier comments from the expert panel to make the model documentation more robust. Mr. Emmert said staff just sent out groundwater statements to the Agency's pumpers, for the period that ended on June 30. He also mentioned that Assembly Bill 361 passed regarding public meetings, and that along with the governor's executive orders, will allow the Agency to continue to have virtual meetings until January 2024, or the end of the state of emergency.

## **2C Legal Counsel Update**

### **Information Item**

Legal Counsel Scott Nave provided an update to the Board on the bill passed and reiterated information reported by Executive Director Emmert.

Chair Long asked Legal Counsel if we had to have something written on the agenda to continue the Agency's Zoom meetings. Mr. Nave stated he would work with Executive Director and Clerk of the Board if that is required.

## **2D GSP Consultant Update**

### **Information Item**

Mr. Tony Morgan of DBS&A provided an update on the schedule for the draft GSP documents public review periods.

Mr. Morgan reminded all that the Fillmore GSP comment deadline is coming to an end on October 9 and the Piru comment period deadline is set for October 23. He also mentioned the Association of California Water Agencies (ACWA) Ground Water Committee met and discussed DWR funding efforts for a revised September budget 2021 for ground water activities. There is \$300,000,000 for the next couple of years being allocated for SGMA implementation. He also mentioned DBS&A will be attending a DWR webinar that will instruct consultants on how DWR would like documents uploaded.

Director Meneghin asked if the GSA can apply retroactively for the funding from DWR? Mr. Morgan stated he did not have the details of the grant; it was something he just wanted the Board to be aware of.

Chair Long asked Mr. Morgan to clarify that these state funds are not just for the Fillmore and Piru basins, but the money available is the entire state budget line item for SGMA implementation. Mr. Morgan said yes, it is the entire budget line item.

## **3. CONSENT CALENDAR**

All matters listed under the Consent Calendar are considered routine by the Board and will be enacted by one motion. There will be no separate discussion of these items unless a Board member pulls an item from the Calendar. Pulled items will be discussed and acted on separately by the Board. Members of the public who want to comment on a Consent Calendar item should do so under Public Comments. (ROLL CALL VOTE REQUIRED).

### **3A Approval of Minutes**

The Board considered and approved the Minutes from the Board Meeting August 19, 2021, Board of Directors Meeting.

### **3B Approval of Warrants**

The Board approved payment of outstanding vendor invoices.

- OMLO \$ 2386.00
- County of Ventura IT Services \$ 131.76



### **3C Monthly Financial Report**

The Board received the Agency's monthly profit and loss statement and balance sheet.

Motion to approve Consent Calendar with changes to the Minutes to show revisions to the Environmental report requested by Director Meneghin stating she will be sharing two letters from the Environmental Law Foundation and Department of Fish and Wildlife, McFadden; Second, Villasenor. Roll call vote: six ayes (Chair Long, Vice Chair McFadden, Kimball, Meneghin, Pace, Villasenor); none opposed. Motion carries 6/0.

### **FUTURE TOPICS FOR BOARD DISCUSSION**

Update on receivables.

#### **ADJOURNED: 7:33 pm**

Vice Chair McFadden adjourned the meeting at 7:33 p.m. to the next **Regular Board Meeting on Thursday, October 21, 2021**, or call of the Chair.

ATTEST: \_\_\_\_\_  
Kelly Long, Chair, FPB GSA Board of Directors

I certify that the above is a true and correct copy of the minutes of the Fillmore and Piru Basins Groundwater Sustainability Agency's Board of Directors meeting of **September 23, 2021**.

ATTEST: \_\_\_\_\_  
Eva Ibarra, Clerk of the Board

**Fillmore and Piru Basins GSA**  
**Check Detail**  
October 1 - 12, 2021

<u>Type</u>	<u>Num</u>	<u>Date</u>	<u>Name</u>	<u>Account</u>	<u>Original Amount</u>
Bill Pmt -Check	11135	10/12/2021	County of Ventura IT Services Department	10000 · Bank of the Sierra	-377.68
Bill Pmt -Check	11136	10/12/2021	Daniel B Stephens & Associates, Inc.	10000 · Bank of the Sierra	-87,069.81
Bill Pmt -Check	11137	10/12/2021	Olivarez Madruga Lemeiux O'Neill LLP	10000 · Bank of the Sierra	-1,822.50
Bill Pmt -Check	11138	10/12/2021	United Water Conservation District	10000 · Bank of the Sierra	-37,108.66
					<hr/> -126,378.65



**Fillmore and Piru Basins GSA**  
**Profit & Loss Budget Performance**  
July 2021 through September 2021

	<u>Jul '21 - Sept 21</u>	<u>Annual Budget</u>	<u>Budget</u>
<b>Income</b>			
40001 · Groundwater Extraction Charge	0.00	540,000.00	0.00%
41000 · Grant Revenue			
41001 · State Grants	0.00	537,970.00	0.00%
<b>Total 41000 · Grant Revenue</b>	<b>0.00</b>	<b>537,970.00</b>	
47000 · Other Revenue			
47001 · Late Fees	-262.93	0.00	
47012 · Returned Check Charges	0.00	0.00	
<b>Total 47000 · Other Revenue</b>	<b>-262.93</b>	<b>0.00</b>	
<b>Total Income</b>	<b>-262.93</b>	<b>1,077,970.00</b>	<b>-0.02%</b>
<b>Gross Profit</b>	<b>-262.93</b>	<b>1,077,970.00</b>	<b>-0.02%</b>
<b>Expense</b>			
52200 · Professional Services			
52240 · Prof Svcs - IT Consulting	509.44	1,700.00	29.97%
52250 · Prof Svcs - Groundwtr/GSP Prep			
52251 · Prof Svcs - UWCD GW Services	6,170.16	0.00	
52252 · Prof Svcs - GSP Consultant	87,069.81	280,000.00	31.10%
<b>Total 52250 · Prof Svcs - Groundwtr/GSP Prep</b>	<b>93,239.97</b>	<b>280,000.00</b>	<b>33.30%</b>
52270 · Prof Svcs - Accounting	3,440.35	24,200.00	14.22%
52275 · Prof Svcs - Admin/Clerk of Bd	5,397.50	25,000.00	21.59%
52280 · Prof Svcs - Executive Director	21,225.30	40,000.00	53.06%
52290 · Prof Svcs - Other	0.00	0.00	
<b>Total 52200 · Professional Services</b>	<b>123,812.56</b>	<b>370,900.00</b>	<b>33.38%</b>
52500 · Legal Fees			
52501 · Legal Counsel	5,872.50	30,000.00	19.58%
<b>Total 52500 · Legal Fees</b>	<b>5,872.50</b>	<b>30,000.00</b>	<b>19.58%</b>
53000 · Office Expenses			
53010 · Public Information	0.00	1,000.00	0.00%
53020 · Office Supplies	509.42	500.00	101.88%
53026 · Postage & Mailing	311.73	2,000.00	15.59%
53040 · Membership Dues	0.00	0.00	
53060 · Computer Software	0.00	0.00	
53110 · Travel & Training	54.20	4,000.00	1.36%
<b>Total 53000 · Office Expenses</b>	<b>875.35</b>	<b>7,500.00</b>	<b>11.67%</b>
53500 · Insurance			
53510 · Liability Insurance	0.00	2,500.00	0.00%
<b>Total 53500 · Insurance</b>	<b>0.00</b>	<b>2,500.00</b>	<b>0.00%</b>
70130 · Bank Service Charges	0.00	0.00	
81000 · Capital Expenditures	0.00	655,000.00	0.00%
<b>Total Expense</b>	<b>130,560.41</b>	<b>1,065,900.00</b>	<b>12.25%</b>
<b>Net Income</b>	<b>-130,823.34</b>	<b>12,070.00</b>	<b>-1083.87%</b>

**Fillmore and Piru Basins GSA**  
**Balance Sheet**  
As of September 30, 2021

	<b>September 30, 21</b>
<b>ASSETS</b>	
<b>Current Assets</b>	
<b>Checking/Savings</b>	
10000 · Bank of the Sierra	584,166.31
<b>Total Checking/Savings</b>	584,166.31
<b>Accounts Receivable</b>	
11000 · Accounts Receivable	727,633.41
<b>Total Accounts Receivable</b>	727,633.41
<b>Total Current Assets</b>	1,311,799.72
<b>TOTAL ASSETS</b>	<b>1,311,799.72</b>
<b>LIABILITIES &amp; EQUITY</b>	
<b>Liabilities</b>	
<b>Current Liabilities</b>	
<b>Accounts Payable</b>	
20000 · Accounts Payable	126,378.65
<b>Total Accounts Payable</b>	126,378.65
<b>Total Current Liabilities</b>	126,378.65
<b>Total Liabilities</b>	126,378.65
<b>Equity</b>	
32000 · Retained Earnings	1,316,244.41
Net Income	-130,823.34
<b>Total Equity</b>	1,185,421.07
<b>TOTAL LIABILITIES &amp; EQUITY</b>	<b>1,311,799.72</b>

ATTORNEYS AT LAW



OLIVAREZ MADRUGA LEMIEUX O'NEILL, LLP

A LIMITED LIABILITY PARTNERSHIP

[WWW.OMLOLAW.COM](http://WWW.OMLOLAW.COM)

2659 TOWNSGATE ROAD ■ SUITE 226 ■ WESTLAKE VILLAGE, CA 91361  
PHONE 805.495.4770 ■ FAX 805.495.2787

## MEMORANDUM

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DATE: October 21, 2021

SUBJECT: **Receive and Adopt Resolution for use of AB 361 proposed exemptions to Brown Act teleconferencing requirements**

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### SUMMARY

*In response to the Covid -19 pandemic, the California Governor signed a new bill on 9/16/21 that would temporarily exempt certain requirements of the Brown Act and add additional requirements for public meetings held by teleconference. This staff report provides an analysis of the changes to the Brown Act per the proposed bill and recommends the Board's adoption of a Resolution that would put the temporary exemptions and changes into place.*

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### **BACKGROUND**

In March of 2020, the Governor of California issued Executive Order N-29-20, which waived Brown Act requirements found in Gov. Code § 54953(b)(3) for teleconference participation in public meetings. In particular, this Order waived:

- a) The requirement that state and local bodies notice each teleconference location from which a member will be participating in a public meeting;
- b) The requirement that each teleconference location be accessible to the public;

- c) The requirement that members of the public may address the body at each teleconference location;
- d) The requirement that state and local bodies post agendas at all teleconference locations; and
- e) The requirement that, during teleconference meetings, at least a quorum of the members of the local body participate from locations within the boundaries of the territory over which the local body exercises jurisdiction.

Executive Order N-29-20 expired on September 30, 2021. However, AB 361 was signed by the Governor to extend the provisions of N-29-20, subject to certain conditions to be met by the local legislative body utilizing its exemptions. AB 361 also imposes certain new requirements, detailed below.

### **ANALYSIS**

AB 361 exempts local legislative bodies from certain Brown Act requirements currently governing teleconferencing. These exemptions may be used only in one of the following circumstances:

- a) The legislative body holds a meeting during a proclaimed state of emergency, and state or local officials have imposed or recommended measures to promote social distancing.
- b) The legislative body holds a meeting during a proclaimed state of emergency for purposes of determining, by majority vote, whether as a result of the emergency, meeting in person would present imminent risks to the health and safety of attendees.
- c) The legislative body holds a meeting during a proclaimed state of emergency and has determined by majority vote pursuant to b) above that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

Currently, the Governor's state of emergency regarding COVID-19 is still in effect, and the Ventura County Health Officer has recommended that legislative bodies in the County continue to follow social distancing measures to prevent the spread of COVID.

Further, AB 361 requires the District to reconsider the state of emergency and make such determination every 30 days after commencing use of its exemptions. However, if during the 30-day period the District wishes to meet in person, they may choose to do so

despite adopting the proposed Resolution. The intent of the Resolution is merely to allow the Board to avail themselves of the AB 361 teleconferencing conveniences if they so choose.

Finally, in addition to allowing for the above exemptions, AB 361 adds the following requirements:

- a) The legislative body must give notice of the meeting and post agendas as otherwise required by the Brown Act.
- b) The legislative body must allow members of the public to access the meeting, and the agenda must provide an opportunity for members of the public to address the legislative body directly pursuant to Brown Act requirements. In each instance where notice of the time of the teleconferenced meeting is otherwise given or the agenda for the meeting is otherwise posted, the legislative body must also give notice of the means by which members of the public may access the meeting and offer public comment. The agenda must identify and include an opportunity for all persons to attend via call-in option or an internet-based service option. The legislative body need not provide a physical location from which the public may attend or comment.
- c) The legislative body must conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the parties and the public appearing before the legislative body.
- d) In the event of a disruption that prevents the public agency from broadcasting the meeting to members of the public using the call-in or internet-based service options, or in the event of a disruption within the local agency's control that prevents members of the public from offering public comments using the call-in or internet-based service options, the legislative body must take no further action on items appearing on the meeting agenda until public access to the meeting is restored. Actions taken on agenda items during a disruption preventing the broadcast of the meeting may be challenged as provided in the Brown Act.
- e) The legislative body may not require public comments to be submitted in advance of the meeting, and it must provide an opportunity for the public to address the legislative body and offer comment in real time.
- f) The legislative body may use an online third-party system for individuals to provide public comment that requires an individual to register with the system prior to providing comment.
- g) If a legislative body provides a timed public comment period, it may not close the comment period or the time to register to provide comment under f) until the timed period has elapsed. If the legislative body does not provide a time-



limited comment period, it must allow a reasonable time for the public to comment on each agenda item and to register as necessary under f).

**RECOMMENDATION**

Accordingly, Staff recommend that this Board adopt the attached resolution. Doing so will enable use of AB 361's exemptions to Brown Act teleconferencing requirements, while allowing the Board to hold in person meetings at its discretion.

**RESOLUTION NO. 2021-06**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF FILLMORE & PIRU BASINS  
GROUNDWATER SUSTAINABILITY AGENCY AUTHORIZING THE USE OF TELECONFERENCING  
FOR PUBLIC MEETINGS**

**BE IT RESOLVED BY THE BOARD OF DIRECTORS OF FILLMORE & PIRU BASINS GROUNDWATER  
SUSTAINABILITY AGENCY** as follows:

**WHEREAS**, the Governor of the State of California (“Governor”) proclaimed a State of Emergency to exist as a result of the threat of COVID-19. (Governor’s Proclamation of a State of Emergency (Mar. 4, 2020).)

**WHEREAS**, the Governor’s Exec. Order No. N-25-20 (Mar. 12, 2020); Governor’s Exec. Order No. N-29-20 (Mar. 17, 2020); and Governor’s Exec. Order No. N-08-21 (Jun. 11, 2021) provided that local legislative bodies may hold public meetings via teleconferencing and make public meetings accessible telephonically or otherwise electronically to all members of the public seeking to observe and to address the local legislative body and waived the Brown Act provisions found in Govt. Code section 54953(b)(3) which require the physical presence of the members, the clerk, or other personnel of the body, or the public, as a condition of participation in, or quorum for, a public meeting, including:

- a) The requirement that state and local bodies notice each teleconference location from which a member will be participating in a public meeting.
- b) The requirement that each teleconference location be accessible to the public.
- c) The requirement that members of the public may address the body at each teleconference location.
- d) The requirement that state and local bodies post agendas at all teleconference locations.
- e) The requirement that, during teleconference meetings, at least a quorum of the members of the local body participate from locations within the boundaries of the territory over which the local body exercises jurisdiction.

**WHEREAS**, the provisions of Governor’s Exec. Order No. N-25-20 (Mar. 12, 2020); Governor’s Exec. Order No. N-29-20 (Mar. 17, 2020); and Governor’s Exec. Order No. N-08-21 (Jun. 11, 2021) expired on September 30, 2021 and are no longer in effect thereafter;

**WHEREAS**, the Center for Disease Control is currently contending with the Delta Variant of the COVID-19 virus and anticipates the development of potential other strains which may further impede public agency operations and prolong the need for social distancing requirements; and

**WHEREAS**, recent legislation (A.B. 361) authorizes a local legislative body to use teleconferencing for a public meeting without complying with the Brown Act’s teleconferencing quorum, meeting notice, and agenda requirements set forth in Government Code section 54953(b)(3), in any of the following circumstances:

- a) The legislative body holds a meeting during a proclaimed state of emergency, and state or local officials have imposed or recommended measures to promote social distancing.

- b) The legislative body holds a meeting during a proclaimed state of emergency for purposes of determining, by majority vote, whether as a result of the emergency, meeting in person would present imminent risks to the health and safety of attendees.
- c) The legislative body holds a meeting during a proclaimed state of emergency and has determined by majority vote pursuant to b) above that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Directors of the Fillmore & Piru Basins Groundwater Sustainability Agency as follows:

Section 1.      Incorporation of Recitals. All of the foregoing Recitals are true and correct, and the Board so finds and determines. The Recitals set forth above are incorporated herein and made an operative part of this Resolution.

Section 2.      Adoption of AB 361. The Board has determined by majority vote that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

Section 3.      Continued Implementation of AB-361. If the state of emergency remains active, or state or local officials have imposed measures to promote social distancing, the Board of Directors of the Fillmore & Piru Basins Groundwater Sustainability Agency shall, in order to continue meeting subject to this exemption to the Brown Act, no later than 30 days after it commences using the exemption, and every 30 days thereafter, make the following findings by majority vote:

- a) The legislative body has reconsidered the circumstances of the state of emergency; *and*
- b) Either (1) the state of emergency continues to directly impact the ability of the members to meet safely in person; or (2) state or local officials continue to impose or recommend measures to promote social distancing.

Section 4.      Applicability. The health and safety findings and determination that teleconference meetings are appropriate applies to all District committees and legislative bodies subject to the Brown Act.

**PASSED, APPROVED AND ADOPTED** on October 21, 2021.

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President

ATTEST:

\_\_\_\_\_  
Secretary

(SEAL)