



CHINO BASIN WATERMASTER

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STAFF REPORT

DATE: July 28, 2022

TO: Board Members

SUBJECT: Resolution 2022-07 Authorizing Remote Teleconference Meetings Under Brown Act
(Business Item I.A.)

SUMMARY:

Issue: The Watermaster Board needs to adopt specific findings to continue to hold remote teleconference meetings during the COVID-19 pandemic consistent with amendments to the Ralph M. Brown Act (Brown Act) by Assembly Bill (AB) 361. [Normal Course of Business]

Recommendation: Adopt Resolution 2022-07 Authorizing Remote Teleconference Meetings under the Ralph M. Brown Act.

Financial Impact: None

Future Consideration

Watermaster Board – July 28, 2022: Adoption

ACTIONS:

Watermaster Board – July 28, 2022:

Watermaster's function is to administer and enforce provisions of the Judgment and subsequent orders of the Court, and to develop and implement an Optimum Basin Management Program

BACKGROUND

Due to the COVID-19 pandemic, the Watermaster Board had been meeting remotely since March 2020. With the recent issuance of the Governor's Executive Order No. N-5-22 on March 7, 2022, lifting mask mandates though still strongly recommending them regardless of vaccination status, the Watermaster Board held its first in-person meeting on March 24, 2022, with one Board member in attendance remotely and has been the practice since.

The Governor's Executive Order No. N-29-20 (Executive Order) suspended the Brown Act's requirements for standard teleconferencing during the COVID-19 pandemic provided that notice and accessibility requirements are met, members of the public are allowed to observe and address the legislative body at the meeting, and that a legislative body of a local agency has a procedure for receiving and swiftly resolving requests for reasonable accommodation for individuals with disabilities, as specified. The provisions of the Executive Order, however, expired on September 30, 2021.

DISCUSSION

In recognition that the pandemic remains ongoing, on September 16, 2021, the Governor signed AB 361, an urgency measure, amending the Brown Act and authorizing remote teleconference public meetings under certain circumstances. AB 361 took effect on October 1, 2021, and expires on January 1, 2024. Though not strictly required to comply with the Brown Act, Watermaster's policy is to operate generally in accordance with the Brown Act's requirements. If the Watermaster Board desires to continue to meet remotely, it should comply with the Brown Act as amended by AB 361.

AB 361 applies to meetings during a state of emergency as declared by the Governor. There also must be either imposed or recommended measures to promote social distancing by state or local officials, or a finding by the legislative body that meeting in person would present imminent risks to the health or safety of attendees as a result of the emergency. The bill, however, does not require legislative bodies to continue to hold teleconference or hybrid public meetings.

AB 361 also requires several procedural safeguards to protect public participation during a remote meeting, which are generally consistent with the Watermaster Board's current remote meeting practices. Key safeguards include: (1) the public must have the ability to address the legislative body directly, and must be provided information on how to address the body; (2) the public must have either a call-in or internet-based service option; (3) the legislative body must stop the meeting in the event of a disruption of the call-in or internet-based option; and (4) the legislative body must allow for a reasonable time for real-time comments, including time to register to provide remote public comments. Should the Watermaster Board decide to hold teleconference meetings, as it has during the COVID-19 pandemic, it should comply with these requirements.

If the Watermaster Board elects to hold one or more meetings by teleconference, it will need to adopt the proposed Resolution. Watermaster findings are required every 30 days in order to continue holding remote teleconference meetings. Thus, if the Watermaster Board elects to continue remote teleconference meetings, the Board will need to make similar findings at each meeting. The last Resolution (Resolution 2022-06) was adopted at the Board's regular meeting held on June 23, 2022, and was effective until July 22, 2022.

ATTACHMENTS

1. Resolution 2022-07 (Draft)