



**SPMUD BOARD OF DIRECTORS
SPECIAL MEETING: 4:30 PM
September 30, 2021**

Zoom Meeting: 1 (669) 900-9128
Meeting ID: 899 2224 6955

The District's regular Board meeting is held on the first Thursday of every month. This notice and agenda are posted on the District's website (www.spmud.ca.gov) and posted in the District's outdoor bulletin board at the SPMUD Headquarters at the above address. Meeting facilities are accessible to persons with disabilities. Requests for other considerations should be made through the District Headquarters at (916)786-8555.

Pursuant to the Governor's Executive Order N-29-20, issued March 17, 2020, the September 30, 2021 Special Meeting of the SPMUD Board of Directors will be held via teleconference using Zoom Meeting 1 (669) 900-9128, <https://us02web.zoom.us/j/89922246955>. Public comments can be emailed to ecostan@spmud.ca.gov from the time the agenda is posted until the matter is heard at the meeting. Comments should be kept to 250 words or less.

SPECIAL MEETING AGENDA

I. CALL SPECIAL MEETING TO ORDER

II. ROLL CALL OF DIRECTORS

Vice President Gerald Mitchell	Ward 1
President William Dickinson	Ward 2
Director John Murdock	Ward 3
Director James Durfee	Ward 4
Director James Williams	Ward 5

III. PLEDGE OF ALLEGIANCE

IV. PUBLIC COMMENTS

Items not on the Agenda may be presented to the Board at this time; however, the Board can take no action.

Public comments can be emailed to ecostan@spmud.ca.gov from the time the agenda is posted until the matter is heard at the meeting. Comments should be kept to 250 words or less.

V. BOARD BUSINESS

Board action may occur on any identified agenda item. Any member of the public may directly address the Board on any identified agenda item of interest, either before or during the Board's consideration of that item.

1. **RESOLUTION 21-35 PROCLAIMING A LOCAL EMERGENCY, RATIFYING THE PROCLAMATION OF A STATE OF EMERGENCY BY THE GOVERNOR ON MARCH 4, 2020 WHICH REMAINS IN EFFECT, AND AUTHORIZING REMOTE TELECONFERENCE MEETINGS OF THE BOARD OF DIRECTORS OF THE SOUTH PLACER MUNICIPAL UTILITY DISTRICT FOR THE PERIOD OF SEPTEMBER 30, 2021 THROUGH OCTOBER 30, 2021 PURSUANT TO THE APPLICABLE PROVISIONS OF THE BROWN ACT** [pg 3 to 7]

Staff will present on the newly enacted legislation pertaining to teleconferencing meetings of the Board of Directors during an emergency and the recommendation to continue teleconferencing during the COVID-19 pandemic.

Action Requested: (Roll Call Vote)

Staff Recommends that the Board of Directors:

1. Find that the rise in COVID-19 Delta Variant during the COVID-19 pandemic has caused, and will continue to cause, conditions dangerous to the safety of persons within the District that are likely to be beyond the control of services, personnel, equipment, and facilities of the District, and desires to proclaim a local emergency exists and ratify the proclamation of a state of emergency by the Governor of the State of California; and furthermore, as a consequence of the local emergency, the Board of Directors does hereby find that it shall 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 it 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
2. Adopt Resolution 21-35 Authorizing Remote Teleconference Meetings of the Board of Directors due to the COVID-19 Emergency.

VI. ADDITIONAL PUBLIC COMMENTS

Public comments can be emailed to ecostan@spmud.ca.gov from the time the agenda is posted until the matter is heard at the meeting. Comments should be kept to 250 words or less.

VII. ADJOURNMENT

If there is no other Board business the President will adjourn the meeting to its next regular meeting on **October 7, 2021 at 4:30 p.m.**

**SOUTH PLACER MUNICIPAL UTILITY DISTRICT
STAFF REPORT**

To: Board of Directors

From: Herb Niederberger, General Manager

Cc: Emilie Costan, Administrative Services Manager
Carie Huff, District Engineer
Eric Nielsen, Superintendent

Subject: Resolution 21-35 Authorizing Remote Teleconference Meetings of the Board of Directors due to COVID-19 Emergency

Meeting Date: September 30, 2021

Overview

All meetings of the District’s Board of Directors 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 Board of Directors conduct their business. 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.

Required conditions are: 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 caused by conditions as described in Government Code section 8558; a proclamation is made when there is an actual incident, threat of disaster, or extreme peril to the safety of persons and property within the jurisdictions that are within the District’s boundaries, caused by natural, technological, or human-caused disasters; and it is further required that state or local officials have imposed or recommended measures to promote social distancing, or the legislative body meeting in person would present imminent risks to the health and safety of attendees.

Such conditions now exist in the District, specifically, the State of Emergency declared by the Governor with Executive Order N-25-20 on March 4, 2020, due to the COVID-19 pandemic. Guidance from the State of California has been adopted by the Placer County Health Department which recommends or mandates social distancing and face coverings in certain settings to prevent the spread of COVID-19.

In compliance with Executive Order N-25-20, since April 2020, the District has implemented virtual meeting protocols which comply with the requirements of paragraph (2) of subdivision (e) of section 54953, by providing for public participation through online meeting attendance and the opportunity to provide comment during a Board meeting both verbally and via email. The Board has previously discussed whether to resume in-person Board of Directors meetings. Presently, the

Board Chambers has been retrofitted to allow meetings of the Board of Directors in-person, while accommodating any Directors that wish to continue meeting remotely. The Chamber retrofit allows continued remote public participation using the Zoom meeting platform.

Recommendation

Staff requests the Board of Directors:

1. Find that the rise in COVID-19 Delta Variant during the COVID-19 pandemic has caused, and will continue to cause, conditions dangerous to the safety of persons within the District that are likely to be beyond the control of services, personnel, equipment, and facilities of the District, and desires to proclaim a local emergency exists and ratify the proclamation of a state of emergency by the Governor of the State of California; and furthermore, as a consequence of the local emergency, the Board of Directors does hereby find that it shall 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 it 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
2. Adopt Resolution 21-35 Authorizing Remote Teleconference Meetings of the Board of Directors due to the COVID-19 Emergency.

Strategic Plan Goals

This action is consistent with SPMUD Strategic Plan Goals:

Goal 1.3: Maintain Transparency with all District Activities.

Goal 4.1: Maintain Compliance with Pertinent Regulations

Fiscal Impact

There is no fiscal impact to the District resulting directly from this action. The retrofit of the Board Chambers to accommodate Zoom participation has been completed.

SOUTH PLACER MUNICIPAL UTILITY DISTRICT

RESOLUTION NO. 21-35

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE SOUTH PLACER MUNICIPAL UTILITY DISTRICT PROCLAIMING A LOCAL EMERGENCY, RATIFYING THE PROCLAMATION OF A STATE OF EMERGENCY BY THE GOVERNOR ON MARCH 4, 2020 WHICH REMAINS IN EFFECT, AND AUTHORIZING REMOTE TELECONFERENCE MEETINGS OF THE BOARD OF DIRECTORS OF THE SOUTH PLACER MUNICIPAL UTILITY DISTRICT FOR THE PERIOD OF SEPTEMBER 30, 2021 THROUGH OCTOBER 30, 2021 PURSUANT TO THE APPLICABLE PROVISIONS OF THE BROWN ACT.

WHEREAS, the South Placer Municipal Utility District (the “District”) is committed to preserving and nurturing public access and participation in meetings of the Board of Directors; and

WHEREAS, all meetings of the District’s Board of Directors 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 Board of Directors 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 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, a proclamation is made when there is an actual incident, threat of disaster, or extreme peril to the safety of persons and property within the jurisdictions that are within the District’s boundaries, caused by natural, technological, or human-caused disasters; and

WHEREAS, it is further required that state or local officials have imposed or recommended measures to promote social distancing, or the legislative body meeting in person would present imminent risks to the health and safety of attendees; and

WHEREAS, such conditions now exist in the District, specifically, the State of Emergency declared by the Governor on March 4, 2020, due to the COVID-19 pandemic; and

WHEREAS, guidance from the State of California, which has been adopted by the Placer County Health Department, recommends or mandates social distancing and face coverings in certain settings to prevent the spread of COVID-19; and

WHEREAS, the Board of Directors does hereby find that the rise in SARS-CoV-2 Delta Variant during the COVID-19 pandemic has caused, and will continue to cause, conditions dangerous to the safety of persons within the District that are likely to be beyond the control of services, personnel, equipment, and facilities of the District, and desires to proclaim a local emergency exists and ratify the proclamation of a state of emergency by the Governor of the State of California; and

WHEREAS, as a consequence of the local emergency, the Board of Directors does hereby find that it shall 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 it 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, the District has implemented virtual meeting protocols which comply with the requirements of paragraph (2) of subdivision (e) of section 54953, by providing for public participation through online meeting attendance and the opportunity to provide comment during the Board meeting both verbally and via email.

NOW, THEREFORE, IT IS HEREBY RESOLVED by the Board of Directors of the South Placer Municipal Utility District, 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. Proclamation of Local Emergency. The Board hereby proclaims that a local emergency now exists throughout the District, and COVID-19 has caused, and will continue to cause, an unreasonable risk of harm to the safety of persons within the District that are likely to be beyond the control of the services, personnel, equipment, and facilities of the District.

Section 3. Ratification of Governor’s Proclamation of a State of Emergency. The Board hereby ratifies the Governor of the State of California’s Proclamation of State of Emergency, effective as of its issuance date of March 4, 2020.

Section 4. Remote Teleconference Meetings. The General Manager and Board of Directors of the 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.

Section 5. Effective Date of Resolution. This Resolution shall take effect immediately upon its adoption and shall be effective until the earlier of (i) October 30, 2021, or (ii) such time as the Board of Directors adopts a subsequent resolution in accordance with Government Code section 54953(e)(3) to extend the time during which the Board of Directors of the District may continue to teleconference without compliance with paragraph (3) of subdivision (b) of section 54953 of the Government Code.

PASSED AND ADOPTED by the Board of Directors of the South Placer Municipal Utility District this 30th day of September 2021, by the following vote:

- AYES:
- NOES:
- ABSENT:
- ABSTAIN:

Signed: _____
Will Dickinson, President of the Board of Directors

Attest: _____
Emilie Costan, Board Secretary