

**SANTIAGO GEOLOGIC HAZARD ABATEMENT DISTRICT
MEETING OF THE BOARD OF DIRECTORS
November 22, 2021 SPECIAL SESSION AGENDA – ZOOM MEETING
Via Computer-
<https://us02web.zoom.us/j/85226691226?pwd=YkpuK1I3YUk4aUpxbno2MUQreU9Ddz09>
Via Phone- 1(669) 900-9128 Meeting ID: 852 2669 1226 Passcode: 428293**

- Agendas and staff reports are posted on the GHAD's internet website (www.santiagohad.org)
- A complete packet of information containing staff reports and exhibits related to each item is available for public review at least 72 hours prior to a Santiago GHAD Board meeting, or in the event that it is delivered to Boardmembers less than 72 hours prior to a GHAD Board meeting, as soon as it is delivered.

CLOSED SESSION – 4:30 P.M.

1. Call to Order and Roll Call: Boardmembers:
Craig Schill, James Guziak, Hillard Kaplan, Hari Lal, and Marc Schwering
 - A. Confirmation of Agenda Posting
2. Open Session Identification of Closed Session Matters
3. Public Comment (3 minutes per speaker)
At this time, the public is permitted to address the GHAD Board on non-agendized items. In accordance with State Law, no action or discussion may take place on an item not appearing on the posted agenda. The Board may respond to statements made or questions asked, or may request staff to report back at a future meeting concerning the matter. Please see "How to Submit Public Comments" on the GHAD's website www.santiagohad.org.
4. New Business:
 - A. Subject: Resolution Allowing GHAD Board of Directors and Board's Committees to Hold Continued Teleconferenced Public Meetings Pursuant to AB 361
From: GHAD Manager
5. Closed Session
 - A. Conference with Legal Counsel
Pursuant to Government Code 54956.9[d][4]
Consideration of Anticipated Litigation: One Case
6. Open Session Report Regarding Closed Session
7. Adjournment

SANTIAGO GEOLOGIC HAZARD ABATEMENT DISTRICT STAFF REPORT

TO: Santiago Geologic Hazard Abatement District (GHAD) Board of Directors

FROM: GHAD Manager

BOARD MEETING DATE: November 22, 2021

SUBJECT: Adopt a Resolution Allowing GHAD Board and Board's Committees to Hold Continued Teleconferenced Public Meetings Pursuant to AB 361

RECOMMENDATION:

That the Board adopts a resolution pursuant to AB 361 (Attachment I) making specific findings to allow the Board, Plan Review Committee, and Standing Legal Committee to continue holding teleconferenced public meetings during the COVID-19 state of emergency.

SUMMARY

On September 16, 2021, the Governor signed AB 361 that amended provisions of the Brown Act to allow state agencies to conduct virtual meetings during a state of emergency proclaimed by the Governor, subject to complying with specific requirements, including providing public access and participation via call-in or internet based platforms. While AB 361 does not require legislative bodies to take any specific actions to hold an initial teleconferenced meeting during a state of emergency, a legislative body must act in order to continue holding subsequent teleconferenced meetings while the state of emergency remains in effect. Specifically, no later than 30 days after the initial AB 361 teleconferenced meeting, and every 30 days thereafter, a legislative body must make findings that the body has reconsidered the circumstances of the state of emergency and that either of the following conditions exist: the state of emergency continues to directly impact the ability of the members to meet safely in person; or, state or local officials continue to impose or recommend measures to promote social distancing.

BACKGROUND

In general, the Brown Act allows legislative bodies to use teleconferencing during a public meeting as long as certain requirements are met, such as:

- Identification of any teleconferenced location from which a member of the legislative body is participating via teleconference;
- Posting of agendas at all teleconferenced locations from which members of the legislative body are participating;
- Public accessibility to the teleconferenced location and the technological means for allowing the public to participate in the meeting from the location; and
- A quorum of the members must be participating from a location within the jurisdiction of the legislative body.

On March 17, 2020, the Governor of the State of California issued Executive Order (EO) N-29-20, addressing the relaxation of teleconferencing rules for public agency meetings under both the Brown and Bagley-Keene Acts to help mitigate the effects of the COVID-19 pandemic.

Starting with the board meeting on April 21, 2020, the Santiago GHAD began hosting public board meetings via Zoom in accordance with the requirements of EO N-29-20. Proper noticing of the teleconferenced meetings was accomplished by physically posting the agenda within the District and on the Santiago GHAD's website.

With the expiration of EO N-29-20, AB 361 amends the Brown Act to continue to allow virtual public meetings during a state of emergency proclaimed by the Governor. An agency may hold a teleconferenced meeting during a state of emergency without complying with the normal teleconferencing requirements described above for the Brown Act if it meets requirements related to providing notice of the meeting, public access and participation via call-in or internet-based service options, real-time public comments, and conduct of the meeting in a manner that protects statutory and constitutional rights of any parties and the public appearing before the legislative body.

AB 361 does not require legislative bodies to take any specific action prior to holding an initial teleconferenced meeting during a state of emergency. However, to hold a subsequent teleconferenced meeting, a legislative body must act no later than 30 days after the initial teleconferenced meeting, and every 30 days thereafter, by making findings that the body has reconsidered the circumstances of the state of emergency and that either of the following conditions exist:

- The state of emergency continues to directly impact the ability of the members to meet safely in person; or
- State or local officials continue to impose or recommend measures to promote social distancing.

DISCUSSION

The Orange County Health Officer's Orders and Strong Recommendations issued October 12, 2021 and revised November 17, 2021 satisfy both conditions necessary for the AB 361 findings described above. The Order and Strong Recommendations provides:

- A mandate that all individuals diagnosed or likely to have COVID-19 must isolate themselves and follow requirements further specified in the Order.
- A requirement to quarantine on individuals who have had close contact to a person infected with COVID-19 unless specific criteria described in the order are met.
- A requirement that all individuals regardless of vaccination status wear face coverings in all indoor public settings, venues, gatherings, and workplaces, including but not limited to: offices, retail stores, restaurants and bars, theaters, family entertainment centers, conference and event centers, and State and local government offices serving the public.

Additionally, the California Department of Public Health has issued COVID-19 Prevention Emergency Temporary Standards, which generally requires that face coverings be worn in shared rooms, and persons to be at least 6 feet apart.

Currently, the Board is holding teleconferenced meetings that allow for virtual participation via

the Zoom platform. This format also allows for real-time public comments, in compliance with AB 361. Board committees will also continue meeting entirely virtually over the Zoom platform. If approved by the Board, every 30 days thereafter, the GHAD Manager will review the findings that the Board has made regarding the circumstances of the state of emergency. At following Board meetings, these findings will be presented to the Board to consider and adopt by resolution.

Based on the above, the GHAD Manager recommends that the Board adopts the attached resolution making the necessary findings to allow the Board, Plan Review Committee, and Standing Legal Committee to continue holding teleconferenced meetings pursuant to AB 361.

Attachment I: Resolution 21-07

**BOARD OF DIRECTORS OF THE
SANTIAGO GEOLOGIC HAZARD ABATEMENT
DISTRICT**

RESOLUTION NO. 2021/07

**RESOLUTION MAKING THE REQUIRED FINDINGS PURSUANT TO AB 361 TO CONTINUE
TO HOLD TELECONFERENCED PUBLIC MEETINGS DURING THE COVID-19 STATE OF
EMERGENCY.**

WHEREAS, the Brown Act (Government Code section 54950 et seq.) allows for public meetings of a legislative body to occur via teleconferencing subject to certain requirements, particularly that the legislative body notice each teleconference location of each member that will be participating in the public meeting, that each teleconference location be accessible to the public, that members of the public be allowed to address the legislative body at each teleconference location, that the legislative body post an agenda at each teleconference location, and that at least a quorum of the legislative body participate from locations within the boundaries of the local agency's jurisdiction; and

WHEREAS, in response to the COVID-19 state of emergency, the Governor temporarily suspended the rules described above when he issued Executive Order N-29-20 on March 17, 2020 and authorized local legislative bodies to hold virtual public meetings subject to specific public accessibility and noticing requirements; and

WHEREAS, the Governor signed AB 361 prior to the expiration of Order N-29-20; and

WHEREAS, AB 361 amends the Brown Act to allow the legislative body of a state or local agency to hold a teleconferenced meeting during a state of emergency without complying with the normal teleconferencing requirements described above if it meets requirements related to providing notice of the meeting, public access and participation via call-in or internet-based service options, real-time public comments, and conduct of the meeting in a manner that protects statutory and constitutional rights of any parties and the public appearing before the legislative body; and

WHEREAS, AB 361 does not require legislative bodies to take any specific action prior to holding an initial teleconferenced meeting during a state of emergency, however, to hold a subsequent teleconferenced meeting a legislative body must act no later than 30 days after the initial teleconferenced meeting, and every 30 days thereafter, by making findings specified in the statute justifying the continued use of teleconferenced public meetings; and

WHEREAS, Within 30 days after passage of this resolution and every 30 days thereafter, the GHAD Manager will review the findings that the Board has made regarding the circumstances of the state of emergency and at following Board meetings as required, these findings will be presented to the Board to consider and adopt by resolution.

WHEREAS, it shall be the policy of the GHAD that the Board, Plan Review Committee, and Standing Legal Committee will hold teleconferenced public meetings in compliance with the provisions of AB 361 during the COVID-19 state of emergency; and

WHEREAS, the COVID-19 state of emergency declared by the Governor remains active; and

WHEREAS, public meetings involve many people in shared indoors spaces for hours, when the number of people present does not always allow for a minimum 6-foot distance between persons, and close contacts raise the risk of the spread of COVID-19; and

WHEREAS, the California Department of Public Health has issued COVID-19

Prevention Emergency Temporary Standards which generally requires that face coverings be worn in shared rooms, and persons to be at least 6 feet apart; and

WHEREAS, the Orange County Health Officer's Orders and Strong Recommendations issued October 12, 2021 and revised November 17, 2021, 1) imposed a mandate that all individuals diagnosed or likely to have COVID-19 must isolate themselves and follow requirements further specified in the Order, 2) imposed a quarantine requirement on individuals who have had close contact to a person infected with COVID-19 unless specific criteria described in the order are met, and 3) required all individuals in Orange County, regardless of vaccination status, to wear face coverings in all indoor public settings, venues, gatherings, and workplaces, including but not limited to: offices, retail stores, restaurants and bars, theaters, family entertainment centers, conference and event centers, and State and local government offices serving the public.

The Santiago Board of Directors HEREBY RESOLVES THAT:

1. The Board of Directors of the Santiago GHAD makes the following findings pursuant to AB 361 to continue holding teleconferenced public meetings during the COVID-19 state of emergency:
 - The GHAD Board has considered the circumstances of the state of emergency.
 - The COVID-19 state of emergency declared by the Governor remains active and continues to directly impact the ability of Boardmembers to meet safely in person.
 - State and local officials continue to recommend or impose measures to promote social distancing.
 - The Orange County Health Officer has issued orders imposing measures to promote social distancing via isolation and quarantine of individuals infected or likely infected with COVID-19 and individuals with close contact to persons infected with COVID-19.
 - The Orange County Health Officer has issued orders imposing a mask mandate on all individuals in Orange County, regardless of vaccination status, in indoor public settings venues, gatherings, and workplaces.
 - The California Department of Public Health has issued COVID-19 Prevention Emergency Temporary Standards, which generally require that face coverings be worn in shared rooms, and persons to be at least 6 feet apart.
2. BE IT FURTHER RESOLVED that in the interest of public health and safety, based on the findings contained herein, the Board of Directors of the Santiago Geologic Hazard Abatement District, the Plan Review Committee, and the Standing Legal Committee shall continue to hold teleconferenced public meetings pursuant to AB 361.
3. This Resolution shall become effective immediately upon its passage and adoption.

DATED: November 22, 2021

I, Karen Holthe, Clerk of the Santiago Geologic Hazard Abatement District, certify that the foregoing resolution was duly adopted by the Board of Directors of the District at a regular meeting held on the 22nd day of November 2021 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN: