



NEVADA COUNTY SANITATION DISTRICT NO. 1
950 MAIDU AVENUE, P.O. BOX 59902
NEVADA CITY, CA 95959-7902
(530) 265-1411 FAX (530) 265-9849 www.mynevadacounty.com

Trisha Tillotson
Community Development Agency Director

Panos Kokkas
Director of Public Works

NEVADA COUNTY SANITATION DISTRICT NO. 1 BOARD OF DIRECTORS
Board Agenda Memo

MEETING DATE: November 16, 2021

TO: Board of Directors

FROM: **Panos Kokkas, Director of Public Works**

SUBJECT: Resolution authorizing remote teleconference meetings of the Nevada County Sanitation District No. 1 pursuant to the Ralph M. Brown Act

RECOMMENDATION: Adopt the attached Resolution.

FUNDING: N/A

BACKGROUND: California law requires public access to the meetings of public agencies and officials. The requirements and procedures for local governments are outlined in the Ralph M Brown Act ("Brown Act") with state agencies being governed by the Bagley-Keene Open Meeting Act ("Bagley-Keene Act") and student governments in the California State University system governed by the Gloria Romero Open Meetings Act of 2000 ("Gloria Romero Act"). On March 17, 2020, California Governor Gavin Newsom issued Executive Order N-29-20 suspending certain provisions of the State's open meeting laws broadening the flexibility of public bodies to hold teleconference (otherwise referred to as virtual) meetings as a response and effort to mitigate risks of public health due to the COVID-19 pandemic, while still taking actions to accommodate members of the public with disabilities and to ensure adequate notice of meetings.

On September 15, 2021 California Governor Newsom signed AB 361 (Robert Rivas) into law that, amongst other things, amended open meeting laws related to teleconferencing during times of declared emergencies with a sunset date of January 1, 2024. Absent Executive Order N-29-20, which was rescinded on September 30, 2021, teleconferencing is only allowable during public meetings if i) the majority of its members are present in-person at a noticed location that is within the jurisdiction's boundaries, ii) each teleconference location is identified in the notice of agenda of the meeting, iii) each location is accessible to the public and iv) the public is able to address the legislative body directly via public comment. Subsequently, AB 361 exempts teleconferencing requirements if certain criteria are met that includes when local officials have imposed or recommended measures to promote social (physical) distancing (including relying on Cal/OSHA requirements) during a declared state of emergency via adopted resolution. For the legislative body to continue to qualify for said exemptions, the legislative body must adopt a continuing resolution within 30 days after the teleconferencing meeting.

Therefore, because the COVID-19 pandemic remains an active declared state of emergency and Title 8 of the California Code of Regulations, Section 3205(5)(D) specifically recommends physical (social) distancing as one of the measures to decrease the spread of COVID-19 based on the fact that particles containing the virus can travel more than six feet, especially indoors, it is recommended that the Board of Directors of the Nevada County Sanitation District No. 1 adopt the attached Resolution authorizing remote teleconference meetings of the Board of Directors and its legislative bodies pursuant to the Ralph M. Brown Act.

Item Initiated and Approved by: Trisha Tillotson,
Community Development Agency Director

Submittal Date: November 1, 2021