



EASTERN SAN JOAQUIN GROUNDWATER AUTHORITY

Board of Directors Special Meeting

AGENDA

Thursday, September 30, 2021

9:30 a.m. – 10:00 a.m.

Teleconference Only

Call-In Information Provided

- I. **Call to Order/Pledge of Allegiance & Safety Announcement/Roll Call** (*Please remember to keep your phone line muted and unmute when announcing yourself for attendance or speaking)
- II. **SCHEDULED ITEMS – *Presentation materials to be posted on ESJGroundwater.org and emailed prior to the meeting. Copies of presentation materials will be available at the meeting.***
 - A. **Action Items:**
 1. Discussion and Possible Action to Adopt Resolution R-21-XX Regarding Implementation of AB 361 Brown Act Teleconferencing Requirements ([Attached - Page 4](#))
- III. **Directors' Comments**
- IV. **Public Comment (non-agendized items)**
- V. **Future Agenda Items**
- VI. **Adjournment**

NOTICE: Coronavirus COVID-19

See Attached Notice Regarding COVID 19, Closure of Board Chambers to the Public During the Eastern San Joaquin Groundwater Authority Board of Directors Meeting and Teleconference Information

Next Regular Meeting

Wednesday, December 8, 2021

10:30 a.m. – 12:00 p.m.

Location TBD

Action may be taken on any item

Agendas and Minutes may also be found at <http://www.ESJGroundwater.org>

Note: If you need disability-related modification or accommodation in order to participate in this meeting, please contact San Joaquin County Public Works Water Resources Staff at (209) 468-3089 at least 48 hours prior to the start of the meeting.

Important Notice Regarding COVID 19 and Closure of Board Chambers to the Public During Eastern San Joaquin Groundwater Authority Board of Directors Meetings

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Board of Directors Meeting

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On March 18, 2020, Governor Gavin Newsom issued Executive Order N-29-20 recognizing that COVID 19 continues to spread throughout our community resulting in serious and ongoing economic harm. Governor Newsom has therefore waived certain requirements of the Ralph M. Brown Act relating to public participation and attendance at public meetings.

Based on guidance from the California Department of Public Health and the California Governor's Officer, *effective immediately* and while social distancing measures are imposed, Board chambers will be closed to the public during the Eastern San Joaquin Groundwater Board of Directors Meetings.

In order to minimize the spread of the COVID 19 virus, the following options are available to members of the public to listen to these meetings and provide comments to the Board of Directors before and during the meeting:

1. You are strongly encouraged to listen to the Eastern San Joaquin Groundwater Authority Board of Directors meetings by attending the teleconference:

Microsoft Teams meeting

Join on your computer or mobile app

[Click here to join the meeting](#)

Join with a video conferencing device

sjcisd@m.webex.com

Video Conference ID: 113 904 437 3

[Alternate VTC instructions](#)

Or call in (audio only)

[+1 209-645-4071](tel:+12096454071), 177861483# United States, Stockton

Phone Conference ID: 177 861 483#

[Find a local number](#) | [Reset PIN](#)

[Learn More](#) | [Meeting options](#)

Once connected, we request you kindly mute your phone.

2. If you wish to make a comment on a specific agenda item, please submit your comment via email by 5:00 p.m. on the Tuesday prior to the meeting. Please submit your comment to the Clerk/Secretary

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Board of Directors Meeting

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of the Board at sperez@sjgov.org. Your comment will be shared with the Board members and placed into the record at the meeting. Every effort will be made to read comments received during the meeting into the record, but some comments may not be read due to time limitations. Comments received after an agenda item will be made part of the record if received prior to the end of the meeting.

BEFORE THE BOARD OF EASTERN SAN JOAQUIN GROUNDWATER AUTHORITY
BOARD OF DIRECTORS

R E S O L U T I O N

R-21-XX

Implementation of AB 361 Brown Act Teleconferencing Requirements

WHEREAS, on March 4, 2020, Governor Newsom issued a Proclamation of State of Emergency in response to the COVID-19 pandemic; and,

WHEREAS, the proclaimed state of emergency remains in effect; and,

WHEREAS, on March 17, 2020, Governor Newsom issued Executive Order N-29-20 that suspended the teleconferencing rules set forth in the California Open Meeting law, Government Code section 54950 et seq. (the “Brown Act”), provided certain requirements were met and followed; and,

WHEREAS, on June 11, 2021, Governor Newsom issued Executive Order N-08-21 that clarified the suspension of the teleconferencing rules set forth in the Brown Act, and further provided that those provisions would remain suspended through September 30, 2021; and,

WHEREAS, on September 16, 2021, Governor Newsom signed AB 361 that provides that a legislative body subject to the Brown Act may continue to meet without fully complying with the teleconferencing rules in the Brown Act, provided the legislative body determines that meeting in person would present imminent risks to the health or safety of attendees, and further requires that certain findings be made by the legislative body every thirty (30) days; and,

WHEREAS, California Department of Public Health (“CDPH”) and the federal Centers for Disease Control and Prevention (“CDC”) caution that the Delta variant of COVID-19, currently the dominant strain of COVID-19 in the country, is more transmissible than prior variants of the virus, may cause more severe illness, and that even fully vaccinated individuals can spread the virus to others resulting in rapid and alarming rates of COVID-19 cases and hospitalizations (<https://www.cdc.gov/coronavirus/2019-ncov/variants/delta-variant.html>); and,

WHEREAS, the CDC has established a “Community Transmission” metric with four tiers designed to reflect a community’s COVID-19 case rate and percent positivity; and,

WHEREAS, San Joaquin County currently has a Community Transmission metric of “high,” which is the most serious of the tiers; and,

WHEREAS, Cal/OSHA has adopted guidelines recommending social distancing and,

WHEREAS, the Eastern San Joaquin Groundwater Authority (Authority) has an interest in protecting the health, safety, and welfare of those who participate in meetings of the Authority Board and its committees that are subject to the Brown Act; and,

WHEREAS, in the interest of public health and safety, as affected by the emergency caused by the spread of COVID-19, Authority Board deems it necessary to find that meeting in person for meetings of all County of San Joaquin related legislative bodies subject to the Ralph M. Brown Act would present risks to the health or safety of attendees, and thus intends to invoke the provisions of AB 361 related to teleconferencing;

NOW, THEREFORE, BE IT RESOLVED by the Authority Board as follows:

1. The recitals set forth above are true and correct.
2. The Authority Board finds that meeting in person for meetings of all County of San Joaquin related legislative bodies subject to the Ralph M. Brown Act would present risks to the health or safety of attendees.
3. This finding applies to all Authority Board and committee meetings that are subject to the Brown Act.
4. Authority Staff is directed to return no later than thirty (30) days after the adoption of this resolution with an item for the Board to consider making the findings required by AB 361 in order to continue meeting under its provisions.

PASSED AND ADOPTED this 30th day of September 2021, by the following vote of the Eastern San Joaquin Groundwater Authority Board, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST: KRIS BALAJI, PMP, P.E.
Secretary of the Eastern San Joaquin
Groundwater Authority

CHUCK WINN, Chairman
Board of Directors of the Eastern San
Joaquin Groundwater Authority