

County of Inyo

WATER COMMISSION

MEMORANDUM

March 17, 2022

Subject: Item 3: Request that Water Commission adopt findings pursuant to AB 361 that: A) the Committee reconsidered the circumstances of the existing State of Emergency issued on March 4, 2020, in response to the COVID-19 pandemic; and B) local officials continue to recommend measures to promote social distancing, and/or the state of emergency continues to directly impact the ability of the members to meet safely in person.

On March 4, 2020, Governor Newsom issued a Proclamation of State of Emergency in response to the COVID19 pandemic. That Proclamation remains in effect. Subsequently, on March 17, 2020, Governor Newsom issued Executive Order N-29-20, which modified the teleconferencing rules set forth in the California Open Meeting law, Government Code section 54950 et seq. (the "Brown Act"), in order to allow legislative bodies to meet from remote locations without opening those locations to the public or complying with certain agenda requirements. Those modifications remained in effect through September 30, 2021. In anticipation of the expiration of the applicable provisions of Executive Order N-29-20, the California legislature adopted, and Governor Newsom signed, AB 361. AB 361 amended the Brown Act to allow local legislative bodies to continue to meet under the modified teleconferencing rules until January 1, 2024, if the meeting occurs during a proclaimed state of emergency and the legislative body finds that it has reconsidered the circumstances of the state of emergency and either: measures to promote social distancing have been imposed or recommended by local health officials; and/or the state of emergency continues to directly impact the ability of the members to meet safely in person.

The Inyo County Health Officer currently recommends that measures be implemented to promote social distancing, including the holding of virtual meetings. A copy of the memo memorializing that recommendation is included in the agenda materials. Adopting the recommended action would therefore make the required findings that the Committee has reconsidered the circumstances of the emergency and that local health officials have recommended measures to promote social distancing or the state of emergency continues to directly impact the ability of the members to meet safely in person. If the Water Commission adopts the proposed findings, then it may continue to meet under the modified Brown Act teleconference rules of AB 361 through January 1, 2022. In order to continue to meet under those modified rules after January 1, 2022, the Committee will again need to reconsider the circumstances of the state of emergency and again make at least one of the additional findings required by AB-361.