

Resolution No. 2021 – 20

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE
WESTERN HILLS WATER WHWD**

WHEREAS, the Western Hills Water District (“WHWD”) is committed to providing public access and participation in Board of Director meetings; and

WHEREAS, on March 4, 2020, Governor Newsom declared a State of Emergency pursuant to Government Code Section 8625 as a result of the Covid-19 pandemic that is still currently in effect; and

WHEREAS, all meetings of the WHWD’s Board of Directors are open and public in accordance with the Ralph M. Brown Act (Cal. Gov. Code 54950 – 54963), and in light of Governor Newsom’s executive actions, WHWD has made it such that members of the public may attend WHWD’s public meetings virtually; 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, 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, since most restrictions were lifted on June 15, 2021, the seven day average new case rate of COVID-19 has increased from 32 to 184 (+575%) in Stanislaus County and caused the County to require all people to wear face coverings when indoors in workplaces and public settings in order to curb the surge in COVID-19 hospitalizations that is threatening the local healthcare system. The seven day average new case rate has also increased, from 7 to 118 (1686%) in Merced County; and

WHEREAS, this significant increase in Covid-19 cases is due primarily to the Delta variant of SARS-CoV-2, the virus that causes Covid-19. Emerging evidence indicates that the Delta variant is far more transmissible than prior variants of the virus and may cause more severe illness, and can be spread by even fully vaccinated individuals; and

WHEREAS, the Board of Directors now desires to adopt a Resolution finding that the requisite conditions exist for the Board of Directors to conduct its meetings without compliance

with Government Code section 54953(b)(3), as authorized by section 54953(e), and that the WHWD shall comply with the requirements to provide the public with access to the meetings as prescribed in section 54953(e)(2); and

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

1. The above recitals are true and correct and are incorporated into this Resolution by this reference.

2. The Board of Directors hereby determines that a local emergency exists throughout the WHWD's territory, and that the legislative body meeting in person could present imminent risks to the health and safety of attendees due to the prevalence of the COVID-19 pandemic in Stanislaus County and the State.

3. The Board of Directors, its Water Operations Manager, and their designees 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.

4. This Resolution shall take effect immediately upon its adoption and shall be effective until the earlier of (i) December 11, 2021, or (ii) such time 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 may continue to teleconference without compliance with section 54953(b)(3).

Moved by Director _____, second by Director _____, that the foregoing resolution be adopted.

Upon roll call the following vote was had:

Ayes:

Noes:

Abstain:

Absent:

I, Christa Manning, Secretary of the Board of Directors of the Western Hills Water District, do hereby certify that the foregoing is a full, true and correct copy of a resolution duly adopted at a duly noticed regular meeting of the said Board of Directors held the 10th day of November, 2021.

Christa Manning, District Secretary