

**BAY AREA WATER SUPPLY AND CONSERVATION AGENCY**

**BOARD OF DIRECTORS MEETING**

**Agenda Title:**        **Adoption of Resolution #2023-02, Declaring that Board Of Directors Meetings Will be Held via Teleconference**

**Summary:**

This resolution makes findings that will allow the Board of Directors (Board) to meet via teleconference under AB 361, due to winter storm emergencies proclaimed by the Governor. Recent high winds and heavy rain associated with the winter storms have caused widespread power outages in the Bay Area, including at the Board's meeting location, the Burlingame Community Center. Staff have been unable to confirm that power will be restored to the Community Center in time for the Board to safely hold a meeting on March 16, 2023.

**Fiscal Impact:**

This item has no impact on BAWSCA's annual operating budget.

**Recommendation:**

That the Board adopt Resolution #2023-02 finding that meeting in person would represent an imminent risk to health and safety of meeting attendees, and declaring that it will meet via teleconference, in accordance with AB 361 and the provisions of Government Code Section 54953(e).

**Discussion:**

AB 361 allows agencies to use teleconferencing for public meetings during proclaimed state of emergencies without requiring the teleconference locations to be accessible to the public or a quorum of the members of the legislative body of the agency to participate from locations within the boundaries of the agency's jurisdiction.

Under AB 361, a local agency is allowed to meet remotely without complying with traditional Brown Act teleconference requirements when the local agency holds a meeting during a state of emergency declared by the Governor, and the legislative body finds that meeting in person would present imminent risks to the health or safety of attendees.

On January 4, 2023, the Governor declared a statewide state of emergency as a result of winter storms that began on December 27, 2023. On March 8, the Governor issued an additional emergency proclamation covering both San Mateo and Santa Clara Counties, due to ongoing storms. These emergency declarations remain in effect, and storms have disrupted power to the Board's designated meeting location, the Burlingame Community Center. Staff have been unable to confirm when power will be restored and the Community Center will be accessible to the public for upcoming Board meetings.

Because the Governor has declared an emergency as a result of the storms, the Board can conduct meetings via teleconference by making the recommended findings and adhering to the following emergency requirements under Government Code Section 54953(e)(2):

1. The legislative body gives notice and posts agendas as otherwise required by the Brown Act, including directions for how the public can access the meeting.

2. The legislative body does not take formal action on any item whenever there is a disruption in the meeting broadcast.
3. The public is allowed to provide comment in real time.
4. The legislative body allows time during a public comment period for members of the public to register with any internet website required to submit public comment.

Please note that this meeting will not be held pursuant to AB 2249, which provides that under certain very specific circumstances, an individual Director may participate via teleconferencing due to a personal emergency. At this time, BAWSCA has been unable to find a meeting location that can meet the requirements of AB 2249 and this option is not currently available for BAWSCA board meetings.

In contrast, AB 361 allows an entire body to participate via teleconference as a result of public emergencies.

This AB 361 resolution will remain in effect for 30 days. Staff will monitor storm impacts with the intention to return to full in person meeting in the future.

**RESOLUTION NO. 2023-02  
BY THE BOARD OF DIRECTORS OF THE  
BAY AREA WATER SUPPLY AND CONSERVATION AGENCY**

**DECLARING THAT BOARD OF DIRECTORS MEETINGS WILL BE HELD VIA  
TELECONFERENCE**

**WHEREAS**, the Bay Area has experienced a series of severe storms, also known as “atmospheric rivers,” which led the Governor of California to declare a state of emergency on January 4, 2023; and

**WHEREAS**, the County of San Mateo likewise declared a local emergency due to winter storms on January 2, 2023; and

**WHEREAS**, on March 8, 2023, the Governor of California declared an additional state of emergency to exist in thirteen counties, including Santa Clara and San Mateo, due to ongoing storm impacts; and

**WHEREAS**, these storm impacts have included power outages that prevent the Board of Directors of the Bay Area Water Supply and Conservation Agency from meeting in person at the Burlingame Community Center, its designated meeting location.

**NOW, THEREFORE BE IT RESOLVED** that the Board of Directors of the Bay Area Water Supply and Conservation Agency has considered the circumstances of the winter storm emergencies declared by the Governor on January 4 and March 8, 2023, and finds that, as a result of damage caused by these emergencies, meeting in person would present imminent risks to the health or safety of meeting attendees; and

**BE IT FURTHER RESOLVED** that the Bay Area Water Supply and Conservation Agency will comply with the requirements of Government Code Section 54953(e)(2) when holding Board and committee meetings pursuant to this resolution; and

**BE IT FURTHER RESOLVED** that the Board of Directors of the Bay Area Water Supply and Conservation Agency will reconsider the findings in this resolution every thirty (30) days and may, by motion, reaffirm these findings or allow this resolution to expire.

Regularly passed and adopted this this 16th day of March, 2023.

AYES:

NOES:

ABSENT:

---

CHAIR, BOARD OF DIRECTORS

ATTEST:

---

Board Secretary