

STEGE SANITARY DISTRICT BOARD OF DIRECTORS  
SPECIAL MEETING OF DECEMBER 22, 2022  
TIME OF SPECIAL MEETING: 7:00 P.M.  
DISTRICT BOARD ROOM, 7500 SCHMIDT LANE, EL CERRITO, CA

\*\*\*\*\* AGENDA \*\*\*\*\*

Items on the agenda may be taken out of order.

Public comment is limited to three (3) minutes for each individual speaker.

In accordance with California Government Code Section 54957.5, any writing that is a public record and relates to an open session agenda item which is distributed less than 72 hours prior to the meeting shall be available for public inspection at the District Office, 7500 Schmidt Lane, El Cerrito, during regular business hours. Copies of the agenda are posted on the District website at [www.stegesan.org](http://www.stegesan.org). Those disabled persons requiring auxiliary aids or services in attending or participating in this meeting should notify the District at least 48 hours prior to the meeting at 510/524-4668.

*Members of the public can observe the live stream of the meeting by accessing <https://zoom.us/j/84090509848> or by calling (669) 900-9128 and entering the Meeting ID# 840 9050 9848 followed by the pound (#) key.*

*Public comment can be sent remotely by delivering to 7500 Schmidt Lane, El Cerrito, CA 94530 or via email to [comments@stegesan.org](mailto:comments@stegesan.org) with "Public Comment" in the subject line. To provide written comment on an item on the agenda or to address the Board during Public Comment, please note the agenda item number that you want to address or whether you intend for the comment to be included in Public Comment. Comments timely received 15 minutes before the starting time of the meeting will either be provided as written comment or be read into the record, with a maximum allowance of 3 minutes per individual comment read into the record, subject to the Board President's discretion. Copies of all timely received written comments will be provided to the Board and will be added to the official record.*

*Pursuant to AB 361 and AB 2449, Board Members may be attending this meeting via remote conferencing. In the event that any Board Member elects to attend remotely, all votes conducted during the remote conferencing session will be conducted by roll call vote.*

**I. Call To Order**

**II. Roll Call**

**Agenda Items:** Directors and Officers of the Board will consider and announce if they have any conflicts of interest posed by items on the meeting agenda.

**III. Public Comment:**

(Members of the public are invited to address the Board concerning topics that are **not** on the agenda)

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**IV. Business**

Resolution/Motion: A. Resolution No. 2220-1222 Finding that there is a Proclaimed State of Emergency; Finding that Meeting in Person Would Present Imminent Risks to the Health or Safety of Attendees as a Result of the State of Emergency; and Authorizing Remote Teleconferenced Meetings of the Stege Sanitary District for the 30 Day Period Beginning December 22 Pursuant to AB 361  
(The Board will review and consider the resolution to continue to meet remotely pursuant to Assembly Bill 361)

**V. Adjournment**

(The next meeting of the Stege Sanitary District Board of Directors is scheduled to be held on January 19, 2023 at 7:00 P.M. at the District Board Room, 7500 Schmidt Lane, El Cerrito, California.)

RESOLUTION NO. 2220-1222 FINDING THAT THERE IS A PROCLAIMED STATE OF EMERGENCY; FINDING THAT MEETING IN PERSON WOULD PRESENT IMMINENT RISKS TO THE HEALTH OR SAFETY OF ATTENDEES AS A RESULT OF THE STATE OF EMERGENCY; AND AUTHORIZING REMOTE TELECONFERENCED MEETINGS OF THE STEGE SANITARY DISTRICT FOR THE 30 DAY PERIOD BEGINNING DECEMBER 22 PURSUANT TO AB 361

**ISSUE:**

The Board will consider a resolution making necessary findings to continue to meet remotely for another 30-day period pursuant to Assembly Bill 361 (AB 361).

**FISCAL IMPACT:**

The fiscal impact to continue to meet remotely is minimal.

**STRATEGIC PLAN:**

GOAL 4: Provide a Safe and Rewarding Work Environment that Recognizes the Worth and Value of Employees

**BACKGROUND:**

On September 16, 2021, Governor Gavin Newsom signed AB 361 which allows public agencies to continue to meet remotely when there is a declared State of Emergency and pursuant to certain procedural requirements. AB 361 essentially allows the District to continue to meet remotely under similar circumstances as under the Governor's Executive Order N-29-20, allowing local agencies to meet remotely. The teleconferencing provisions of Executive Order N-29-20 expired on September 30.

AB 361 allows the following:

- While maintaining transparency and public access, local agencies would be able to meet remotely during a declared state of emergency
- While agencies would still be required to post agendas and meeting information, agencies would not be required to post meeting notices and/or agendas at all teleconference locations when remotely meeting during an emergency
- While the public must continue to have access to the remote meeting and provided the ability to make public comment, agencies would not be required to make all remote meeting sites accessible to the public, nor include the remote location details in the meeting notice or agenda during a declared state of emergency
- Additionally, agency board members would not be required to be at remote sites within the territorial bounds of the agency during a declared state of emergency

Since September 23, 2021, pursuant to AB 361, the Board has approved recurring resolutions authorizing remote teleconferenced meetings for a 30-day period.

Pursuant to AB 361, a draft resolution to extend remote teleconferenced meetings for another 30-day period is attached for the Board's consideration.

**RECOMMENDATION:**

Approve the resolution.

**ALTERNATIVES:**

1. Take no action and meet in-person.
2. Amend the resolution and approve, as amended.

**ATTACHMENTS:**

- Resolution No. 2220-1222

## RESOLUTION NO. 2220-1222

RESOLUTION FINDING THAT THERE IS A PROCLAIMED STATE OF EMERGENCY; FINDING THAT MEETING IN PERSON WOULD PRESENT IMMINENT RISKS TO THE HEALTH OR SAFETY OF ATTENDEES AS A RESULT OF THE STATE OF EMERGENCY; AND AUTHORIZING REMOTE TELECONFERENCED MEETINGS OF THE STEGE SANITARY DISTRICT FOR THE 30 DAY PERIOD BEGINNING DECEMBER 22 PURSUANT TO AB 361

The Directors of the Stege Sanitary District (District) find and determine as follows:

- A. All meetings of the District are open and public, as required by the Ralph M. Brown Act (Cal. Gov. Code 54950 – 54963), so that any member of the public may attend, participate, and watch the District conduct its business; and.
- B. On March 4, 2020, Governor Newsom declared a State of Emergency to make additional resources available, formalize emergency actions already underway across multiple state agencies and departments, and help the State prepare for a broader spread of the novel coronavirus disease 2019 (COVID-19).
- C. On March 17, 2020, in response to the COVID-19 pandemic, Governor Newsom issued Executive Order N-29-20 suspending certain provisions of the Ralph M. Brown Act in order to allow local legislative bodies to conduct meetings telephonically or by other means.
- D. As a result of Executive Order N-29-20, staff set up virtual meetings for all Board meetings.
- E. On June 11, 2021, Governor Newsom issued Executive Order N-08-21, which, effective September 30, 2021, ends the provisions of Executive Order N-29-20 that allows local legislative bodies to conduct meetings telephonically or by other means.
- F. On September 16, 2021, the Governor signed AB 361 (2021) which allows for local legislative bodies and advisory bodies to continue to conduct meetings via teleconferencing under specified conditions and includes a requirement that the Board make specified findings. AB 361 (2021) took effect immediately.

- G. AB 361 (2021) requires that the Governor declare a State of Emergency pursuant to Government Code section 8625.
- H. AB 361 (2021) further requires that state or local officials have imposed or recommended measures to promote social distancing, or, requires that the legislative body determines that meeting in person would present imminent risks to the health and safety of attendees.
- I. Such conditions now exist in the District, specifically, Governor Newsom has declared a State of Emergency due to COVID-19.
- J. Since issuing Executive Order N-08-21, the highly contagious Delta and Omicron variants of COVID-19 have emerged, causing an increase in COVID-19 cases throughout the State and Contra Costa County.
- K. On August 2, 2021, in response to the Delta variant of COVID-19, the Contra Costa County Health Officer issued an order for nearly all individuals to wear masks when inside public spaces and on September 14, 2021, issued an order requiring operators of specified dining establishments, entertainment venues and fitness facilities to restrict entry based on COVID-19 vaccination status or testing.
- L. The Centers for Disease Control and Prevention (“CDC”) continues to recommend physical distancing of at least 6 feet from others outside of the household and the Contra Costa County Health Officer strongly recommends online meetings and distancing.
- M. The highly contagious Omicron variant and sub-variants have resulted in the greatest nationwide infection rate since the beginning of the COVID-19 pandemic; and
- N. Because of the rise in cases due to the Omicron variant and sub-variant of COVID-19, the District is concerned about the health and safety of all individuals who intend to attend Board meetings.
- O. On September 23, 2021, the Board found that the presence of COVID-19 and the increase of cases due to the Delta variant would present imminent risks to the health or safety of attendees, including the Board and staff, should the Board hold in person meetings; and

- P. The Board hereby finds that the presence of COVID-19 and the increase of cases due to the Omicron variant and sub-variants would present imminent risks to the health or safety of attendees, including the Board and staff, should the Board hold in person meetings.
- Q. The District shall ensure that its meetings comply with the provisions required by AB 361 (2021) for holding teleconferenced meetings.

In consideration of the foregoing findings and determinations, it is resolved:

1. The foregoing recitals are true and correct and are hereby incorporated by reference
2. In compliance with AB 361 (2021), and in order to continue to conduct teleconference meetings without complying with the usual teleconference meeting requirements of the Brown Act, the Board makes the following continued findings:
  - a) The Board has considered the circumstances of the state of emergency; and
  - b) The state of emergency, as declared by the Governor, continues to directly impact the ability of the Board, as well as staff and members of the public, from meeting safely in person; and
  - c) The CDC continues to recommend physical distancing of at least six feet due to COVID-19 and the Contra Costa County Health Officer strongly recommends online meetings and distancing. As a result of the presence of COVID-19 and the increase of cases due to the Omicron variant and sub-variants, meeting in person would present imminent risks to the health or safety of attendees, the Board, and staff.
3. The Board may continue to meet remotely in compliance with AB 361, in order to better ensure the health and safety of the public.
4. The Board will revisit the need to conduct meetings remotely within 30 days of the adoption of this resolution.

\* \* \* \* \*

STATE OF CALIFORNIA)  
COUNTY OF CONTRA COSTA)

I HEREBY CERTIFY that the foregoing Resolution was duly and regularly adopted by the Directors of the Stege Sanitary District, at a regular meeting thereof, held on the 22<sup>nd</sup> day of December 2022 by a X-X vote as follows:

AYES: BOARD MEMBERS:  
NOES: BOARD MEMBERS:  
ABSENT: BOARD MEMBERS:  
ABSTAIN: BOARD MEMBERS:

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DWIGHT MERRILL, President  
Stege Sanitary District  
Contra Costa County, California

ATTEST:

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REX DELIZO, Secretary  
Stege Sanitary District