



AGENDA
SPECIAL MEETING OF THE BOARD OF DIRECTORS
District Board Room, 2890 Mosquito Road, Placerville, California
December 12, 2022 – 9:00 A.M.

Board of Directors

Lori Anzini—Division 4
President

Brian K. Veerkamp—Division 3
Vice President

George Osborne—Division 1
Director

Pat Dwyer—Division 2
Director

Alan Day—Division 5
Director

Executive Staff

Jim Abercrombie
General Manager

Brian D. Poulsen, Jr.
General Counsel

Jennifer Sullivan
Clerk to the Board

Jesse Saich
Communications

Brian Mueller
Engineering

Jamie Bandy
Finance

Jose Perez
Human Resources

Tim Ranstrom
Information Technology

Dan Corcoran
Operations

PUBLIC COMMENT: Anyone wishing to comment about items not on the Agenda may do so during the public comment period. Those wishing to comment about items on the Agenda may do so when that item is heard and when the Board calls for public comment. Public comments are limited to five minutes per person.

PUBLIC RECORDS DISTRIBUTED LESS THAN 72 HOURS BEFORE A MEETING: Any writing that is a public record and is distributed to all or a majority of the Board of Directors less than 72 hours before a meeting shall be available for immediate public inspection in the office of the Clerk to the Board at the address shown above. Public records distributed during the meeting shall be made available at the meeting.

AMERICANS WITH DISABILITIES ACT: In accordance with the Americans with Disabilities Act (ADA) and California law, it is the policy of El Dorado Irrigation District to offer its public programs, services, and meetings in a manner that is readily accessible to everyone, including individuals with disabilities. If you are a person with a disability and require information or materials in an appropriate alternative format; or if you require any other accommodation for this meeting, please contact the EID ADA coordinator at 530-642-4045 or email at adacoordinator@eid.org at least 72 hours prior to the meeting. Advance notification within this guideline will enable the District to make reasonable accommodations to ensure accessibility.

District Board Meetings are open to in-person attendance by the public and conducted virtually. For in-person participation, individuals must comply with all current Centers for Disease Control COVID-19 prevention guidelines and state and local guidelines that are in place at the time of the meeting. The public may participate in the District's Board meeting by teleconference or web conference via the instructions provided below. Members of the public who participate in the meeting via teleconference or web conference will be given the opportunity to speak and address the Board, and their comments will be included in the recording of the meeting.

The meeting materials will be available for download from the District's website at www.eid.org. Video recordings of archived Board meetings can be found at the District's YouTube channel at www.EID.org/YouTube where they are retained in compliance with the District's retention schedule.

PUBLIC PARTICIPATION INSTRUCTIONS

Instructions to join the Board Meeting by telephone only

No accompanying computer or mobile device required. This option will allow participants to listen to Board meeting audio and address the Board during public comment periods by pressing *9 on the telephone keypad.

Dial **1.669.900.6833** and enter Meeting ID **945 6360 8941** when prompted.

Instructions to join the Board Meeting from your computer or mobile device

Click the following join link or copy and paste into your browser <https://zoom.us/j/94563608941>.

If the device being used *is* equipped with a microphone and speaker, participants may view the presentation live and listen to Board meeting audio. You may address the Board during public comment periods by clicking on the "raise a hand" button.

If the device being used *is not* equipped with a microphone, participants may view the presentation live and listen to Board meeting audio using the link above. Participants may address the Board during public comment periods by using the call in instructions above and pressing *9 on the telephone keypad.

CALL TO ORDER

ADOPT AGENDA

PUBLIC COMMENT

ACTION ITEMS

1. Clerk to the Board (Sullivan)

Consider adopting a resolution making findings and declaring the Board's intent to conduct remote teleconference meetings pursuant to Government Code section 54953(e) due to the ongoing threat of COVID-19.

Option 1: Adopt a resolution making findings and declaring the Board's intent to conduct remote teleconference meetings pursuant to Government Code section 54953(e) due to the ongoing threat of COVID-19.

Option 2: Take other action as directed by the Board.

Option 3: Take no action.

Recommended Action: Option 1.

ADJOURNMENT

EL DORADO IRRIGATION DISTRICT

SUBJECT: Consider adopting a resolution making findings and declaring the Board’s intent to conduct remote teleconference meetings pursuant to Government Code section 54953(e) due to the ongoing threat of COVID-19.

PREVIOUS BOARD ACTION

March 23, 2020 – Board declared an emergency under applicable provisions of law and Board Policy as a result of the COVID-19 pandemic and authorized the General Manager to take all actions necessary and appropriate in response to the emergency.

At every regular Board meeting from the beginning of the pandemic until September 13, 2021, the Board ratified Resolution No. 2020-006 to maintain the emergency declaration.

September 26, 2022 – Board adopted Resolution No. 2022-023 making findings and declaring its intent to conduct remote teleconference meetings pursuant to Government Code section 54953(e) due to the ongoing threat of COVID-19.

October 11, 2022 – Board ratified Resolution No. 2022-023 making findings and declaring the Board’s intent to conduct remote teleconference meetings pursuant to Government Code section 54953(e) due to the ongoing threat of COVID-19.

BOARD POLICIES (BP), ADMINISTRATIVE REGULATIONS (AR) AND BOARD AUTHORITY

BP 2050 Administrative Leeway in the Absence of Policy
Government Code section 8625, 54953(e), 54953(e)(1)(B), 54953(e)(3)
Assembly Bill 361

SUMMARY OF ISSUE

In order for Board Members to participate in Board meetings remotely, the Board must make certain findings and declarations regarding the on-going threat of COVID-19.

BACKGROUND/DISCUSSION

On March 4, 2020, Governor Newsom declared a state of emergency as a result of the COVID-19 pandemic. On March 12, 2020, El Dorado County declared a public health emergency. The following day, March 13, the then-President of the United States declared a national emergency. Various provisions of law, including provisions in the Public Contracting Code, Public Resources Code, and Government Code govern aspects of the District’s operations during declared emergencies.

In addition to declarations of emergency described above, Governor Gavin Newsom issued an executive order on March 12, 2020, relaxing some of the requirements of the Brown Act related to public meetings of local public agencies. The purpose of the executive order was to ensure social distance and reduce the risk of spreading the COVID-19 virus. On March 17, 2020, Governor Newsom issued a new Executive Order, N-29-20, which further relaxed certain provisions of the Brown Act with regard to conducting public meetings. As a result of these orders, and in order to (1) protect the health and safety of District staff and the public, and (2) comply with restrictions

imposed by State and Local health officials, the General Manager periodically closed District facilities to the public, including the headquarters facility. Pursuant to the authorities granted by the Governor's Executive Orders, the District held Board meetings using video-conferencing technology intermittently until September of 2021, after which Board meetings were held both in-person and using teleconferencing technology for participation by the public.

On June 11, 2021, in light of the improved state of the COVID-19 pandemic in California, Governor Newsom issued Executive Order N-08-21, which rolled back many of the COVID-19-related provisions of prior executive orders. However, Executive Order N-08-21 extended the provisions of Executive Order N-29-20 related to the Brown Act described above until September 30, 2021.

On September 30, 2021, all executive orders concerning the Brown Act sunset and local agencies were required to observe the Brown Act requirements as they existed prior to the issuance of the executive orders or comply with the provisions of Assembly Bill (AB) 361 which became effective October 1, 2021. AB 361 modified the provisions of the Brown Act related to holding teleconference meetings during a proclaimed gubernatorial state of emergency when state or local officials have imposed or recommended measures related to physical distancing which warrant holding meetings remotely.

The modifications include the following:

- Waiving the requirement that there be a physical meeting location open to the public to attend Board meetings and comment during the meeting.
- Waiving the requirement that the agenda identify and notice each teleconference location of each member of the Board that is participating by teleconference.
- Waiving the requirement that each teleconference location be accessible to the public.
- Waiving the requirement that members of the public be able to address the Board at each teleconference location.
- Waiving the requirement that local agencies post agendas at all teleconference locations.
- Waiving the requirement that at least a quorum of the Board participate from within the boundaries of the territory of the Board's jurisdiction.

To rely on AB 361, the local agency must meet one of the following criteria:

- The local agency is holding a meeting during a proclaimed state of emergency, and state or local officials have imposed or recommended measures to promote social distancing; or
- The local agency is holding a meeting during a proclaimed state of emergency for the purpose of determining, by majority vote, whether as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees; or
- The local agency is holding a meeting during a proclaimed state of emergency and has determined, by majority vote that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

Once the Board has adopted a resolution declaring its intent to conduct remote teleconference meetings as a result of a state of emergency and the imminent risk to health and safety under AB 361, it is required to renew its resolution after 30 days subject to the following conditions:

- Reconsider the circumstances of the state of emergency.
- Having reconsidered the state of emergency, determine that either:
 - The state of emergency continues to directly impact the ability of the members to meet safely in person, or
 - State or local officials continue to impose or recommend measures to promote social distancing.

BOARD OPTIONS

Option 1: Adopt a resolution making findings and declaring the Board's intent to conduct remote teleconference meetings pursuant to Government Code section 54953(e) due to the ongoing threat of COVID-19.

Option 2: Take other action as directed by the Board.

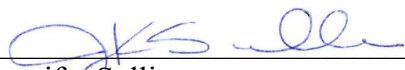
Option 3: Take no action.

RECOMMENDATION


Option 1 (*four-fifths vote required*).

ATTACHMENTS

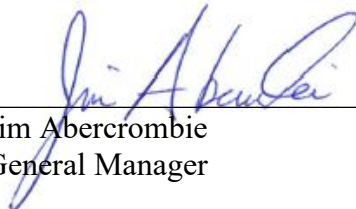
Attachment A: Proposed resolution



Jennifer Sullivan
Board Clerk



Brian Poulsen
General Counsel



Jim Abercrombie
General Manager

1 **RESOLUTION OF THE BOARD OF DIRECTORS**
2 **EL DORADO IRRIGATION DISTRICT**
3 **MAKING FINDINGS AND DECLARING ITS INTENT TO CONDUCT**
4 **REMOTE TELECONFERENCE MEETING PURSUANT TO**
5 **GOVERNMENT CODE SECTION 54953(e) DUE TO THE THREAT OF COVID-19**

6 WHEREAS, the Government Code section 54953(e), authorizes remote teleconferencing
7 participation in meetings by members of a legislative body, subject to the existence of certain
8 conditions; and

9 WHEREAS, a required condition is that a state of emergency is declared by the Governor
10 pursuant to Government Code section 8625; and

11 WHEREAS, the Governor of the State of California proclaimed a state of emergency on
12 March 4, 2020, related to the threat of COVID-19, which remains in effect, as amended by
13 subsequent Executive Orders; and

14 WHEREAS, on September 30, 2021, the County of El Dorado Public Health Officer
15 recommended social distancing measures to allow for virtual-attendance meetings of the Board to
16 continue after September 30, 2021; and

17 WHEREAS, the COVID-19 virus continues to pose imminent risk to health and safety and
18 directly impacts the ability of the public and the Board to meet safely in person, accordingly, the
19 Board hereby recognizes the proclamation of state of emergency by the Governor of the State of
20 California and the recommendations of the El Dorado County Public Health Officer regarding
21 physical distancing; and

22 WHEREAS, as a consequence of the emergency related to COVID-19, to allow for physical
23 distancing and to allow for meeting participants to isolate when experiencing COVID-19 symptoms,
24 the Board invokes the provisions of Government Code section 54953(e).

25 NOW, THEREFORE, IT IS HEREBY RESOLVED AND ORDERED by the El Dorado
26 Irrigation Board of Directors, that:

- 27
1. The foregoing recitals are true and correct.
 2. The meetings of the Board, including this meeting, may be held pursuant to the provisions Government Code section 54953(e) due to the impacts of COVID-19, the Governor's state of emergency proclamation, state and local recommendations and the importance of physical distancing to minimize any potential adverse health and safety risks.

- 1 3. The Board of Directors hereby directs staff to take all actions necessary to carry
2 out the intent and purpose of this Resolution including, conducting open and public
3 meetings of the Board in accordance with Government Code section 54953(e) and
4 other applicable provisions of the Brown Act for remote teleconference meetings.
- 5 4. The Board of Directors further directs staff to continue to monitor the health and
6 safety conditions related to COVID-19, the status of the Governor's state of
7 emergency, the local orders related to physical distancing, and the state regulations
8 related to social distancing, and present to the Board at its next regularly scheduled
9 meeting the related information and recommendations for remote meetings
10 pursuant to the provisions of Government Code section 54953(e)(3).

11 The foregoing Resolution was introduced at a special meeting of the Board of Directors of
12 the EL DORADO IRRIGATION DISTRICT, held on the 12th day of December 2022, by Director,
13 who moved its adoption. The motion was seconded by Director, and a poll vote taken which stood
14 as follows:

15 AYES:

16 NOES:

17 ABSENT:

18 ABSTAIN:

19 The motion having a majority of votes "Aye", the resolution was declared to have been
20 adopted, and it was so ordered.

21 _____
Lori Anzini, President
Board of Directors
EL DORADO IRRIGATION DISTRICT

22 ATTEST:

23 _____
Jennifer Sullivan
24 Clerk to the Board
EL DORADO IRRIGATION DISTRICT

25 (SEAL)

26
27

I, the undersigned, Clerk to the Board of the EL DORADO IRRIGATION DISTRICT hereby certify that the foregoing resolution is a full, true and correct copy of a Resolution of the Board of Directors of the EL DORADO IRRIGATION DISTRICT entered into and adopted at a special meeting of the Board of Directors held on the 12th day of December, 2022.

Jennifer Sullivan
Clerk to the Board
EL DORADO IRRIGATION DISTRICT

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