

RESOLUTION NO. 21-331
September 27, 2021

A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE MISSION HILLS COMMUNITY SERVICES DISTRICT MAKING
FINDINGS IN ACCORDANCE WITH AB 361 AND GOVERNMENT
CODE SECTION 54953(e), AUTHORIZING REMOTE TELECONFERENCE
MEETINGS OF THE LEGISLATIVE BODIES OF THE MISSION HILLS
COMMUNITY SERVICES DISTRICT

WHEREAS, on March 4, 2020, Governor Newsom declared a State of Emergency in the State of California pursuant to Government Code Section 8625 as a result of the threat of the Coronavirus (COVID-19) pandemic; and

WHEREAS, subsequently, in March 2020, in response to the COVID-19 pandemic, Governor Newsom issued Executive Orders N-25-20 and N-29-20. These orders suspended certain elements of the Brown Act and specifically allowed for legislative bodies as defined by the Brown Act to hold their meetings entirely electronically with no physical meeting place. On June 11, 2021, Governor Newsom issued Executive Order N-08-21 which provided that the provisions in Executive Order N-29-20 suspending certain elements of the Brown Act would continue to apply through September 30, 2021; and

WHEREAS, on September 16, 2021 Governor Newsom signed AB 361, which added subsection (e) to Government Code section 54953 of the Brown Act, and makes provision 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, there has been a significant increase in COVID-19 cases in Santa Barbara County 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, may cause more severe illness, and that even fully vaccinated individuals can spread the virus to others; and

WHEREAS, the Board of Directors now desires to adopt a Resolution finding that the requisite conditions exist for the legislative bodies of the Mission Hills Community Services District, as defined in the Brown Act, to conduct remote teleconference meetings without compliance with paragraph (3) of subdivision (b) of Government Code section 54953.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Mission Hills Community Services District as follows:

1. The above recitals are true, correct and are incorporated herein by this reference.

2. The Board of Directors of the Mission Hills Community Services District hereby determines that as a result of the proclaimed State of Emergency in California due to the COVID-19 pandemic, and its continued spread in Santa Barbara County and Lompoc through the Delta variant of SARS-CoV-2, which is far more transmissible than prior variants of the virus, may cause more severe illness, and that even fully vaccinated individuals can spread the virus to others, holding meetings in person would present imminent risks to the health or safety of attendees.
3. The General Manager and legislative bodies of the Mission Hills Community Services District are hereby authorized and directed to take all actions necessary to carry out the intent and purpose of this Resolution including, continuing to conduct open and public remote teleconferencing meetings in accordance with the requirements of 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) thirty (30) days after teleconferencing for the first time pursuant to Government Code section 54953(e), or such time that the Board of Directors adopts a subsequent resolution in accordance with Government Code section 54953(e)(3) to extend the time during which the legislative bodies of the Mission Hills Community Services District may continue to teleconference without compliance with paragraph (3) of subdivision (b) of Government Code section 54953.

Resolution No. 21-331 was adopted at a Special Meeting of the Mission Hills Community Services District on September 27, 2021.

Myron Heavin,
President, Board of Directors

ATTEST:

APPROVED AS TO FORM:

Guadalupe Huitron, Board Secretary

Timothy J. Carmel, District Counsel