



AGENDA
SPECIAL BOARD MEETING
Thursday, September 30, 2021 – 1:00PM
District Board Room, Community Services Building
33540 Loop Road, Kirkwood, CA 95646

BOARD MEMBERS

Eric Richert, President

Robert Epstein, Vice President/Treasurer
John Schroeder, Director

Peter Dornbrook, Secretary
Bertrand Perroud, Assistant Secretary

IMPORTANT NOTICE REGARDING COVID-19 AND TELECONFERENCED MEETINGS:

Based on mandates by the Governor and the Alpine and Amador County Health Officers to shelter in place and the guidance from the CDC, to minimize the spread of coronavirus, please note the following changes to the District's ordinary meeting procedures:

- The meeting will be conducted via teleconference using Zoom.
- All members of the public seeking to observe and/or to address the Board may participate in the meeting telephonically or otherwise electronically in the manner described below.

HOW TO PARTICIPATE / OBSERVE THE MEETING:

All participants will be automatically muted upon entering the meeting.

Telephone: Listen to the meeting live by calling Zoom at (669) 900-6833 and enter the Meeting ID# **834 7642 9410** followed by the pound (#) key. Raise your hand to talk by pressing *9.

Computer: Watch the live streaming of the meeting from a computer by navigating to <https://us02web.zoom.us/j/83476429410> using a computer with internet access the meets Zoom's system requirements (see <https://support.zoom.us/hc/en-us/articles/204003179-System-Requirements-for-Zoom-Rooms>) Raise your hand to talk by clicking Participants/Raise Hand.

Mobile: Login through the Zoom mobile app on a smartphone and enter Meeting ID# **834 7642 9410**

HOW TO SUBMIT PUBLIC COMMENTS:

Prior to the meeting, please mail comments to P.O. Box 247, Kirkwood, CA 95646, fax your comments to (209) 258-8727 Attn: Rick Ansel or email at ransel@kmpud.com, write "Public Comments" in the subject line. Include the agenda item number and title, as well as your comments. During the meeting, the Board President will announce the opportunity to make public comments. Please utilize the "raise your hand" function via the Zoom application or your telephone if participating in this manner.

ACCESSIBILITY INFORMATION:

Board meetings are accessible to people with disabilities and others who need assistance. Individuals who need special assistance or a disability-related modification or accommodation (including auxiliary aids or services) to observe and/or participate in this meeting and access meeting-related materials should contact Jessica Gillies, Clerk of the Board, at least 48-hours before the meeting at (209) 258-4444 or jgillies@kmpud.com. Advanced notification will enable the District to swiftly resolve such requests and ensure accessibility.

AGENDA

- 1) **CALL TO ORDER** *President Richert*
- 2) **ROLL CALL** *Secretary Dornbrook*
- 3) **ANNOUNCEMENTS** *Assistant General Manager Ansel*
- 4) **ITEMS FOR BOARD ACTION**
 - a) **Resolution 21-12 Proclaiming a Local Emergency and Authorizing Remote Public Meetings.** Discussion and possible action. *Assistant General Manager Ansel*
Pgs. 3-6

- 5) **ADJOURNMENT**
The next Regular Board Meeting is scheduled for Saturday, October 9, 2021 at 8:00AM.

The Kirkwood Meadows Public Utility District Board of Directors regularly meets the second Saturday of each month. A complete Agenda packet is available for review at the meeting and at the District office during the hours of 8:00 a.m. and 4:30 p.m. Monday through Friday. This meeting is recorded and broadcast over Volcano Community Channel 19 and on the internet at www.kmpud.com. Items on the Agenda are numbered for identification purposes only and will not necessarily be considered in the order in which they appear. Designated times are for particular items only. Public Hearings will not be called to order prior to the time specified but may occur slightly later than the specified time.

Public participation is encouraged. Public comments on items appearing on the Agenda will be taken at the same time the Agenda items are heard; comments should be brief and directed to the specifics of the item being considered. Please provide the Clerk of the Board with a copy of all written materials presented at the meeting. Comments on items not on the Agenda can be heard during "Comments from the Audience"; however, action cannot be taken on items not on the Agenda.

Backup materials relating to an open session item on this Agenda, which are not included with the Board packet, will be made available for public inspection at the same time they are distributed or made available to the Board, and can be viewed at the District office, at the Board meeting and upon request to the Clerk of the Board.

In compliance with the Americans with Disabilities Act, if you are a disabled person and you need a disability-related modification or accommodation to participate in this meeting, please contact the District at (209) 258-4444, by email at jgillies@kmpud.com. Requests must be made as early as possible, and at least two business days before the meeting.

The Kirkwood Meadows Public Utility District is an Equal Opportunity Provider and Employer

STAFF REPORT

Brown Act Teleconference Meetings

Requested Action:

Consider finding by a majority vote under Gov. Code § 54953, sub. (e)(1)(B) that as a result of the COVID-19 emergency: (i) meeting in person would present imminent risks to the health and safety of attendees; and (ii) the meeting is authorized to be held by teleconference pursuant to Gov. Code § 54953, subd.(e)(1)(C). The above is captured in draft Resolution 21-12 Authorizing Remote Teleconference Meetings.

Background:

In light of the Governor's declaration that a state of emergency exists due to the incidence and spread of the novel coronavirus, and the pandemic caused by the resulting disease COVID-19, the Board should consider whether meeting in-person would present imminent risks to the health and safety of meeting attendees.

The Centers for Disease Control indicates that COVID-19 is a highly transmissible virus that is spread when an infected person breathes out droplets and very small particles that contain the virus, and such droplets and particles are breathed by other people.¹

Although effective vaccines have been approved by the U.S. Food and Drug Administration for emergency use, vaccination rates are slow and have not yet reached a point to significantly control community transmission. As of September 27, 2021, only 70% of Californians who are eligible to be vaccinated are fully vaccinated.²

Those who become infected with COVID-19 are at risk of serious illness and death. As of September 27, 2021, over 688,650 Americans have died from the virus.³ Many more have been hospitalized with serious illness. Currently in Amador County, 11 people are hospitalized with COVID-19. Currently in Alpine County, 1 person is hospitalized with COVID-19.

Conducting meetings by teleconference would directly reduce the risk of transmission among meeting attendees, including members of the public and agency staff, which has the ancillary

¹ www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/how-covid-spreads.html

² State of California Covid-19 Dashboard <https://covis19.ca.gov/vaccination-progress-data/>

³ John Hopkins University Coronavirus Resource Center <https://coronavirus.jhu.edu/>

effect of reducing risk of serious illness and death as well as reducing community spread of the virus.

Reviewed By:

Richard Shanahan, District Counsel

Prepared By:

Rick Ansel

RESOLUTION NO. 21-12

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE KIRKWOOD MEADOWS PUBLIC UTILITY DISTRICT RATIFYING THE PROCLAMATION OF A STATE OF EMERGENCY BY THE GOVERNOR AND AUTHORIZING REMOTE TELECONFERENCE MEETINGS OF THE BOARD OF DIRECTORS OF KIRKWOOD MEADOWS PUBLIC UTILITY DISTRICT FOR THE PERIOD OF SEPTEMBER 30, 2021 THROUGH OCTOBER 30, 2021 PURSUANT TO BROWN ACT PROVISIONS.

WHEREAS, the Kirkwood Meadows Public Utility District is committed to preserving and nurturing public access and participation in meetings of the Board of Directors; and

WHEREAS, all meetings of Kirkwood Meadows Public Utility District's legislative bodies 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's legislative bodies conduct their business; and

WHEREAS, the Brown Act (as amended by Assembly Bill 361), 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, a proclamation is made when there is an actual incident, threat of disaster, or extreme peril to the safety of persons and property, caused by natural, technological, or human-caused disasters; 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, such conditions now exist in the District, specifically, on March 4, 2020 Governor Newsom proclaimed a State of Emergency to exist in California as a result of the threat of COVID-19; and

WHEREAS, the Kirkwood Meadows Public Utility District Board will conduct its meetings through an online videoconferencing platform.

NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE KIRKWOOD MEADOWS PUBLIC UTILITY DISTRICT DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. Recitals. The Recitals set forth above are true and correct and are incorporated into this Resolution by this reference.

Section 2. Ratification of Governor’s Proclamation of a State of Emergency. The Board hereby confirms and ratifies the Governor of the State of California’s Proclamation of State of Emergency, effective as of its issuance date of March 4, 2020.

Section 3. Imminent Risk Determination. The Board finds and determines that, as a result of the COVID-19 emergency, meeting in person would present imminent risks to the health or safety of meeting attendees, and the meeting therefore should be held by teleconference as authorized by Government Code section 54943, subdivision (e)(1).

Section 4. Remote Teleconference Meetings. The Board therefore further determines that it shall conduct its meetings via teleconference without compliance with Government Code section 54953, subdivision (b)(3), as authorized by section 54953, subdivision (e), and that the Board shall comply with the requirements to provide the public with access to the meetings as prescribed in paragraph section 54953, subdivision (e)(2). The General Manager of the Kirkwood Meadows Public Utility District is 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.

Section 5. Effective Date of Resolution. This Resolution shall take effect immediately upon its adoption and shall be effective until the earlier of (i) October 30, 2021 or such time the Board of Directors adopts a subsequent resolution or motion in accordance with Government Code section 54953(e)(3) to renew or reauthorize the time during which the Kirkwood Meadows Public Utility District Board may continue to teleconference without compliance with paragraph (3) of subdivision (b) of section 54953.

PASSED AND ADOPTED by the Board of Directors of the Kirkwood Meadows Public Utility District this ____ day of _____, 20____, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

By: _____

Eric Richert, President

Attest:

Peter Dornbrook, Secretary