



November 10, 2021

RESOLUTION NO. 2021-01

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE MADERA/CHOWCHILLA  
RESOURCE CONSERVATION DISTRICT MAKING FINDINGS IN ACCORDANCE WITH  
AB 361  
AND GOVERNMENT CODE SECTION 54953, AUTHORIZING REMOTE  
TELECONFERENCE MEETINGS OF THE LEGISLATIVE BODIES OF  
THE MADERA/CHOWCHILLA RESOURCE CONSERVATION DISTRICT

WHEREAS, all meetings of Madera/Chowchilla Resource Conservation District's ("District") Board of Directors meetings 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, Governor Newsom signed AB 361, amending the Brown Act, including Government Code section 54953, subd. (e), that makes provisions for remote teleconferencing participation in meetings by members of a legislative body, without compliance with the requirements of Government Code section 54953, subd. (b)(3), subject to the existence of certain conditions; and

WHEREAS, a required condition of AB 361 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, on March 4, 2020, Governor Newsom issued a Proclamation of State of Emergency in response to the COVID-19 pandemic; and

WHEREAS, the proclaimed state of emergency remains in effect; and

WHEREAS, California Department of Public Health and the federal Centers for Disease Control and Prevention caution that the Delta variant of COVID-19, currently the dominant strain of COVID-19 in the country, is 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 resulting in rapid and alarming rates of COVID-19 cases and hospitalizations (<https://www.cdc.gov/coronavirus/2019-ncov/variants/delta-variant.html>); and

WHEREAS, the District is committed to preserving and nurturing public access and participation in meetings of the Board of Directors and to protecting the health, welfare, and safety of the participants; and

WHEREAS, due to the seriousness of the current pandemic situation, the Madera County Executive Officer and Public Health Officer has required that all unvaccinated persons wear



facial coverings indoors, and recommend that all persons, regardless of vaccination status, wear facial coverings indoors; and

WHEREAS, the Board of Directors does hereby find that the COVID-19 emergency has caused, and will continue to cause, conditions of peril to the safety of persons within the District that are likely to be beyond the control of services, personnel, equipment, and facilities of the District, and deems it necessary to find that meeting in person for meetings of all District-related legislative bodies as well as subcommittees of the Board of Directors subject to the Ralph M. Brown Act, would present imminent risks to the health or safety of attendees, and thus intends to invoke the provisions of AB 361 related to teleconferencing as provided in Government Code section 54953, subd. (e); and

WHEREAS, all teleconference meetings of the Board of Directors of the District and any legislative bodies of the District shall comply with the requirements to provide the public with access to the meetings as prescribed in section 54953; subd. (e)(2).

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Madera/Chowchilla Resource Conservation District as follows:

1. Recitals set forth above are true and correct and are incorporated into this Resolution by this reference.
2. The Board finds that providing the option for a hybrid meeting would provide safe accessibility for all attendees given the current state of the COVID-19 pandemic.
3. Staff is directed to return to the Board of Directors no later than thirty (30) days after the adoption of this resolution, or by the next Board of Directors meeting (whichever comes first), with an item for the Board to consider making the findings required by AB 361 in order to continue meeting under its provisions.
4. The District Manager 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, subd. (e), and other applicable provisions of the Brown Act.

THE FOREGOING RESOLUTION WAS DULY AND REGULARLY ADOPTED by the Board of Directors of the Madera/Chowchilla Resource Conservation District at its regular meeting held on the 10th day of November 2021, by the following vote:



MADERA/CHOWCHILLA  
RESOURCE  
CONSERVATION  
DISTRICT

AYES:

NOES:

ABSENT:

ABSTAIN:

SIGNED:

Norman Kuhr, President  
Board of Directors

**CERTIFICATION**

I hereby certify that the foregoing Resolution 2021-01 was duly and regularly adopted by the Board of Directors of the Madera/Chowchilla Resource Conservation District at the meeting held on the 10<sup>th</sup> day of November, 2021.

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Amy Siliznoff, District Manager