



**RECLAMATION DISTRICT NO. 1000  
BOARD OF TRUSTEES  
SPECIAL BOARD MEETING**

1633 GARDEN HIGHWAY  
SACRAMENTO, CA 95833

**WEDNESDAY, MAY 4, 2022  
8:00 A.M.**

**WEB & TELEPHONE MEETING ONLY**

**MODIFIED BROWN ACT REQUIREMENTS IN LIGHT OF STATE OF EMERGENCY**

In compliance with CA Assembly Bill 361, members of the Board of Trustees and members of the public will participate in this meeting by teleconference. The call-in information for the Board of Trustees and the public is as follows:

**Join the meeting from your computer, tablet or smartphone.**

<https://www.gotomeet.me/rd1000>

**You can also dial in using your phone.**

United States (Toll Free): [1 866 899 4679](tel:18668994679)

United States: [+1 \(571\) 317-3116](tel:+15713173116)

**Access Code: 539-716-757**

If you don't already have the gotomeeting application downloaded, please allow yourself additional time prior to the meeting to install the free application on your computer, tablet or smartphone. The application is not required to participate via phone.

Any member of the public on the telephone may speak during Public Comment or may email public comments to [kking@rd1000.org](mailto:kking@rd1000.org) and comments will be read from each member of the public. During this period of modified Brown Act Requirements, the District will use best efforts to swiftly resolve requests for reasonable modifications or accommodations with individuals with disabilities, consistent with the Americans with Disabilities Act, and resolving any doubt whatsoever in favor of accessibility. Requests for reasonable modifications under the ADA may be submitted to the email address noted above, or by phone directly to the District.

All items requiring a vote of the Board of Trustees will be performed as a roll call vote to ensure votes are heard and recorded correctly. In addition, the meeting will be recorded and participation in the meeting via gotomeeting and/or phone will serve as the participants acknowledgment and consent of recordation.

**1. PRELIMINARY**

- 1.1. Call Meeting to Order
- 1.2. Roll Call
- 1.3. Approval of Agenda
- 1.4. Pledge of Allegiance
- 1.5. Conflict of Interest (*Any Agenda items that might be a conflict of interest to any Trustee should be identified at this time by the Trustee involved*)

**2. PRESENTATIONS**

- 2.1. No Scheduled Presentations

**3. PUBLIC COMMENT (NON-AGENDA ITEMS)**

*Any person desiring to speak on a matter which is not scheduled on this agenda may do so under the Public Comments section. Speaker times are limited to three (3) minutes per person on any matter within RD 1000's jurisdiction, not on the Agenda.*

*Public comments on agenda or non-agenda items during the Board of Trustees meeting are for the purpose of informing the Board to assist Trustees in making decisions. Please address your comments to the President of the Board. The Board President will request responses from staff, if appropriate. Please be aware the California Government Code prohibits the Board from taking any immediate action on an item which does not appear on the agenda unless the item meets stringent statutory requirements (see California Government Code Section 54954.2 (a)).*

*Public comments during Board meetings are not for question and answers. Should you have questions, please do not ask them as part of your public comments to the Board. Answers will not be provided during Board meetings. Please present your questions to any member of RD 1000 staff via e-mail, telephone, letter, or in-person at a time other than during a Board meeting.*

**4. SCHEDULED ITEMS**

- 4.1. [ASSEMBLY BILL 361: Review and Consider Adoption of Resolution No. 2022-05-01 - Proclaiming a Local Emergency, Ratifying the Covid-19 State of Emergency, and Authorizing Remote Teleconference Meetings of Reclamation District No. 1000 Pursuant To The Ralph M. Brown Act](#)
- 4.2. [Review and Discuss Agenda for May 13, 2022 Regular Board of Trustees Meeting](#)

**5. CLOSED SESSION**

- 5.1. No Scheduled Closed Session Items.

**6. ADJOURN**



## RECLAMATION DISTRICT 1000

DATE: MAY 4, 2022

AGENDA ITEM NO. 4.1

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TITLE: Assembly Bill 361

SUBJECT: Review and Consider Adoption of Resolution No. 2022-05-01

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### EXECUTIVE SUMMARY:

On September 16, 2021, Governor Gavin Newsom signed Assembly Bill 361 into law, codifying certain modified requirements for teleconference meetings held by state and local public agencies, similar to those previously authorized and extended by executive order during the COVID-19 State of Emergency. This staff report briefly summarizes AB 361 and describes what Reclamation District No. 1000 (District) must do to utilize the modified requirements for holding remote meetings.

### BACKGROUND:

The Ralph M. Brown Act (Brown Act), which governs local public agency meetings, traditionally permitted agencies to utilize teleconferencing (audio or video) for public meetings, subject to certain heightened requirements aimed to preserve public participation.

- Agendas must identify each teleconference location
- Agendas must be posted at each teleconference location
- Physical access for the public must be provided at each teleconference location
- Board actions must be taken by roll call vote
- One board member must be physically present at each meeting location and quorum of the board must participate within the agency's jurisdictional boundaries
- Members of the public must have an opportunity to address the Board from any teleconference location

(Gov. Code, § 54953(b)(3).) However, the rising spread of COVID-19 and the imposition of stay-at-home orders made some of those teleconference requirements untenable, leaving many public agencies unable to hold meetings at all.

On March 4, 2020, Governor Newsom proclaimed a State of Emergency due to COVID-19. Pursuant to that State of Emergency Proclamation, the Governor issued a series of executive orders (N-25-20, N-29-20, and N-35-20) which, among other things, provided several exceptions to the normal Brown Act teleconference rules to permit local agencies to continue meeting while stay-at-home orders were in effect or where meeting in person would pose a risk to health or safety. The executive orders allowed agencies to meet without first identifying or providing public access to each teleconference location, and without maintaining a physical presence of members

**TITLE: AB 361**

within agency boundaries, though roll call votes and public participation were still required. On June 15, 2021, as vaccinations increased and in-person restrictions eased, Governor Newsom issued Executive Order N-08-21 which provided the Brown Act modifications would expire on September 30, 2021.

**AB 361:**

With the State of Emergency still in place and variant cases on the rise, AB 361 was introduced to provide a longer-term solution for teleconference meetings during states of emergency, effective until January 1, 2024. While not limited to COVID-19, the legislation mirrors many of the allowances made under the Governor’s executive orders. AB 361 amends Section 54953 of the Government Code to allow the legislative body of a local agency to meet remotely without complying with the normal teleconference rules for agenda posting, physical location access, or quorum rules. To do so, one of three scenarios must exist, all of which require that the Governor has proclaimed a State of Emergency pursuant to Government Code section 8625:

- A. State or local officials have imposed or recommended measures to promote social distancing;
- B. The agency is holding a meeting for the purpose of determining whether meeting in person would present imminent risks to the health or safety of attendees; or
- C. The agency is holding a meeting and has determined that meeting in person would present imminent risks to the health or safety of attendees.

(Gov. Code, § 54953(e)(1).)

An agency that holds a meeting under either of the three scenarios must continue to post its agenda in the time required by the Brown Act, and ensure that the public is able to address the board directly through teleconference means. (*Id.* at subd. (e)(2).) If a disruption prevents the public agency from broadcasting the meeting or receiving public comments in real time, the board may take no further action until those functions are restored; any actions taken during such a disruption are subject to legal challenge. (*Id.*)

Assuming the State of Emergency remains in effect and an agency wishes to continue meeting under the modified rules, it must adopt an initial resolution within 30 days of the first teleconference meeting (which applies retroactively to that first meeting), and then must adopt an extension resolution at least every 30 days thereafter. (*Id.* at subd. (e)(3).) The resolutions must contain findings stating that the agency has reconsidered the circumstances of the State of Emergency and at least one of the following circumstances exist:

- i. The State of Emergency continues to directly impact the ability of the members to meet safely in person; or
- ii. State or local officials continue to impose or recommend measures to promote social distancing.

**TITLE: AB 361**

(*Id.*) The requirement for agencies to affirm by resolution every 30 days that the State of Emergency continues to necessitate remote meetings did not exist under the executive orders, and may present a logistical challenge for agencies that meet quarterly—or even monthly when meetings are separated by more than 30 days. Where an agency is not able to rely on regular meetings to adopt extension resolutions within that time frame, the agency has two potential options:

- Hold a special “AB 361” remote meeting within the 30-day window simply to re-authorize the AB 361 exceptions.
- Allow the initial resolution or extension resolution to lapse and approve a new initial resolution at the next agency meeting, subject to the same substantive and procedural requirements as the first.

It should be noted it is not entirely clear from the text of the statute that an agency may simply adopt a new initial resolution after failing to adopt an extension resolution within 30 days, and still take advantage of the retroactive application of the modified teleconference rules for that meeting. For a number of practical reasons, including the variability of active COVID-19 cases and the development of new state or local recommendations and orders, it might become necessary to do so. A conservative approach, and the one we recommend, would be to avoid lapses by holding a special meeting every 30 days to reauthorize the modified teleconference rules.

Once AB 361 authorization lapses, the normal Brown Act rules will apply and an agency seeking to hold a teleconference meeting will once again be required to post agendas and provide public access at each remote location, identify those locations in the agenda, and maintain a quorum of the board within agency boundaries. If a meeting is not held in conformity with AB 361, board members may not teleconference from their residences or other locations which are not open and accessible to the public.

**CLARIFICATION ON IMPLEMENTATION DATE:**

Upon its signing on September 16, 2021, AB 361 became effective immediately. However, on September 20, 2021, the Governor issued Executive Order N-15-21, clarifying that the changes in AB 361 shall be suspended until October 1, 2021, when the modified Brown Act provisions under Executive Order N-08-21 are set to expire.

**CONCLUSION:**

AB 361 provides relief to many agencies that have grown accustomed to the modified Brown Act teleconference rules under the emergency executive orders, though the 30-day authorization window could require agencies to hold more special meetings. Without the AB 361 exceptions, agencies will be obligated to return to normal in-person meetings or provide public access at each remote location under the traditional teleconference rules, starting October 1, 2021.

**TITLE: AB 361**

**RECOMMENDATION:**

Staff recommends the Board review and consider adoption of Resolution No. 2022-03-06.

**ATTACHMENTS:**

1. Resolution No. 2022-05-01

**STAFF RESPONSIBLE FOR REPORT:**



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Kevin L. King, General Manager

Date: 4/28/2022



**RECLAMATION DISTRICT NO. 1000**  
**RESOLUTION NO. 2022-05-01**

**A RESOLUTION OF THE BOARD OF TRUSTEES OF RECLAMATION DISTRICT NO. 1000  
PROCLAIMING A LOCAL EMERGENCY PERSISTS, RE-RATIFYING THE COVID-19 STATE OF  
EMERGENCY, AND RE-AUTHORIZING REMOTE TELECONFERENCE MEETINGS OF RECLAMATION  
DISTRICT NO. 1000 PURSUANT TO THE RALPH M. BROWN ACT.**

At a special meeting of the Board of Trustees of Reclamation District No. 1000 held at the District Office on the 4<sup>th</sup> day of May 2022, the following resolution was approved and adopted:

**WHEREAS**, Reclamation District No. 1000 (District) is committed to preserving and nurturing public access and participation in meetings of the Board of Trustees; and

**WHEREAS**, all meetings of the District are open and public, as required by the Ralph M. Brown Act (Gov. Code, §§ 54950 – 54963) (“Brown Act”), so that any member of the public may attend, participate, and watch the District’s legislative body conduct its business; and

**WHEREAS**, Assembly Bill 361 added Government Code section 54953(e) to make 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 within the jurisdictions that are within the District’s boundaries, 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**, the Board of Trustees previously adopted a Resolution, number 2022-04-01 on April 8, 2022, finding that the requisite conditions exist for the District to conduct remote teleconference meetings without compliance with paragraph (3) of subdivision (b) of section 54953; and

**WHEREAS**, such conditions persist in the District, specifically, on March 4, 2020, Governor Gavin Newsom proclaimed a State of Emergency to exist in California due to the threat of COVID-

19; despite sustained efforts, the virus continues to spread and has impacted nearly all sectors of California; and

**WHEREAS**, the Board of Trustees does hereby find that the ongoing risk posed by the highly transmissible COVID-19 virus 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

**WHEREAS**, as a consequence of the local emergency persisting, the Board of Trustees does hereby find that the District shall continue to conduct its meetings without compliance with paragraph (3) of subdivision (b) of Government Code section 54953, as authorized by subdivision (e) of section 54953, and that the Board shall comply with the requirements to provide the public with access to the meetings as prescribed in paragraph (2) of subdivision(e) of section 54953; and

**WHEREAS**, all meeting agendas, meeting dates, times, and manner in which the public may participate in the public meetings of the District and offer public comment by telephone or internet-based service options including video conference are posted on the District website and physically outside of the District office.

**NOW, THEREFORE BE IT RESOLVED THAT:**

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

Section 2. Affirmation that Local Emergency Exists. The Board has reconsidered the conditions of the state of emergency and proclaims that a local emergency persists throughout the District because the high risk of transmissibility of COVID-19 continues to pose an imminent risk to the safety of persons in the District.

Section 3. Re-ratification of Governor's Proclamation of a State of Emergency. The Board hereby 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 4. Remote Teleconference Meetings. District staff are 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) June 4, 2022, or such time the Board of Trustees adopts a subsequent resolution in accordance with Government Code section 54953(e)(3) to extend the time during which the District may continue to teleconference without compliance with paragraph (3) of subdivision (b) of section 54953.



**ON A MOTION BY** Trustee \_\_\_\_\_, seconded by Trustee \_\_\_\_\_, the foregoing resolution was passed and adopted by the Board of Trustees of Reclamation District No. 1000, this 4<sup>th</sup> day of May 2022, by the following vote, to wit:

AYES: Trustees:

NOES: Trustees:

ABSTAIN: Trustees:

RECUSE: Trustees:

ABSENT: Trustees:

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Thomas M. Gilbert  
President, Board of Trustees  
Reclamation District No. 1000

CERTIFICATION:

I, Joleen Gutierrez, Secretary of Reclamation District No. 1000, hereby certify that the foregoing Resolution 2022-05-01 was duly adopted by the Board of Trustees of Reclamation District No. 1000 at the special meeting held on the 4<sup>th</sup> day of May 2022 and made a part of the minutes thereof.

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Joleen Gutierrez, District Secretary



**RECLAMATION DISTRICT 1000**

**DATE: MAY 4, 2022**

**AGENDA ITEM NO. 4.2**

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**TITLE: May 13, 2022 Board of Trustees Agenda**

**SUBJECT: Review and Discuss Agenda for May 13, 2022 Regular Board of Trustees Meeting**

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**EXECUTIVE SUMMARY:**

Review and discuss agenda for the May 13, 2022 Board of Trustees Regular Meeting (Attachment No. 1).

**RECOMMENDATION:**

Staff recommends review and discussion on the proposed agenda for the May 13, 2022 Board of Trustees Meeting.

**ATTACHMENTS:**

1. Proposed Agenda – May 13, 2022 Board of Trustees Meeting

**STAFF RESPONSIBLE FOR REPORT:**

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Kevin L. King, General Manager

Date: 4/28/2022



**RECLAMATION DISTRICT NO. 1000  
BOARD OF TRUSTEES  
REGULAR BOARD MEETING**

1633 GARDEN HIGHWAY  
SACRAMENTO, CA 95833

**FRIDAY, MAY 13, 2022  
8:00 A.M.**

**WEB & TELEPHONE MEETING ONLY**

**MODIFIED BROWN ACT REQUIREMENTS IN LIGHT OF STATE OF EMERGENCY**

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**1. PRELIMINARY**

- 1.1. Call Meeting to Order
- 1.2. Roll Call
- 1.3. Approval of Agenda
- 1.4. Pledge of Allegiance
- 1.5. Conflict of Interest (*Any Agenda items that might be a conflict of interest to any Trustee should be identified at this time by the Trustee involved*)

**2. PRESENTATIONS**

- 2.1. No Scheduled Presentations

**3. PUBLIC COMMENT (NON-AGENDA ITEMS)**

*Any person desiring to speak on a matter which is not scheduled on this agenda may do so under the Public Comments section. Speaker times are limited to three (3) minutes per person on any matter within RD 1000's jurisdiction, not on the Agenda.*

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**4. INFORMATIONAL ITEMS**

- 4.1. [GENERAL MANAGER'S REPORT: Update on activities since the April 2022 Board Meeting.](#)
- 4.2. [OPERATIONS MANAGER'S REPORT: Update on activities since the April 2022 Board Meeting.](#)
- 4.3. [DISTRICT COUNSEL'S REPORT: Update on activities since the April 2022 Board Meeting.](#)

**5. CONSENT CALENDAR**

*The Board considers all Consent Calendar items to be routine and will adopt them in one motion. There will be no discussion on these items before the Board votes on the motion, unless Trustees, staff or the public request specific items be discussed and/or removed from the Consent Calendar.*

5.1. [APPROVAL OF MINUTES: Approval of Minutes from the following Board Meetings:](#)

- April 7, 2022 Special Board Meeting
- April 8, 2022 Regular Board Meeting
- May 4, 2022 Special Board Meeting

5.2. [TREASURER'S REPORT: Approve Treasurer's Report for April 2022.](#)

## AGENDA

*RD 1000 Board Meeting  
May 13, 2022*

- 5.3. EXPENDITURE REPORT: Review and Accept Report for April 2022.
- 5.4. BUDGET TO ACTUAL REPORT: Review and Accept Report for April 2022.
- 5.5. ASSEMBLY BILL 361: Review and Consider Adoption of Resolution No. 2022-05-02 - Proclaiming a Local Emergency, Ratifying the Covid-19 State of Emergency, and Authorizing Remote Teleconference Meetings of Reclamation District No. 1000 Pursuant to The Ralph M. Brown Act.
- 5.6. DISTRICT GENERAL ELECTION PROCEDURES: Review and Consider Adoption of Resolution No. 2022-05-03 – Adopting Election Procedures for 2022 District General Election.
- 5.7. AWARD OF CONTRACT: Review and Consider authorizing the General Manager to Execute Construction Contract with Emerald Site Services, INC. for Natomas Basin Vegetation Maintenance Project Phase 4.

### **6. SCHEDULED ITEMS**

- 6.1. FISCAL YEAR 2022/2023 DRAFT BUDGET: Review and Discuss Draft Budget for Fiscal Year 2022/2023.
- 6.2. DISTRICT COMPREHENSIVE FINANCIAL PLAN: Review and Discuss Comprehensive Financial Plan Phase 2.2 Public Draft.

### **7. BOARD OF TRUSTEE'S COMMENTS/REPORTS**

#### 7.1. BOARD ACTIVITY UPDATES:

- RD 1000 Committee Meetings Since Last Regular Board Meeting
  - Operations Committee (Bains, Barandas & Burns) April 14, 2022
  - Finance Committee (Gilbert, Bains & Burns) April 29, 2022
  - Executive Committee (Gilbert & Lee-Reeder) May 4, 2022
- RD 1000 Committees No Meetings Since Last Regular Board Meeting
  - Legal Committee (Avis, Barandas & Gilbert)
  - Personnel Committee (Jones, Bains & Barandas)
  - Urbanization Committee (Lee Reeder, Burns & Jones)

### **8. CLOSED SESSION**

- 8.1. No Closed Sessions Items Scheduled.

### **9. ADJOURN**