



RESOLUTION NO. 2021-77
RESOLUTION NO. PFA-02
ORDINANCE NO. 2021-02

AGENDA

OUR MISSION

Protect, enhance, and develop Calaveras County's water resources and watersheds to provide safe, reliable, and cost-effective services to our communities.

Regular Board Meeting
Tuesday, October 26, 2021
1:00 p.m.

Calaveras County Water District
120 Toma Court
San Andreas, California 95249

This meeting will not be physically open to the public. All members of the public may participate in the meeting via teleconference and will be given the opportunity to provide public comment.

Microsoft Teams meeting

Join on your computer or mobile app

[Click here to join the meeting](#)

Or call in (audio only)

[+1 689-206-0281](tel:+16892060281), 147934627# United States, Orlando

Phone Conference ID: 147 934 627#

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Administration Office at 209-754-3028. Notification in advance of the meeting will enable CCWD to make reasonable arrangements to ensure accessibility to this meeting. Any documents that are made available to the Board before or at the meeting, not privileged or otherwise protected from disclosure, and related to agenda items, will be made available at CCWD for review by the public.

ORDER OF BUSINESS

CALL TO ORDER / PLEDGE OF ALLEGIANCE

1. **ROLL CALL**

2. **PUBLIC COMMENT**

At this time, members of the public may address the Board on any non-agendized item. The public is encouraged to work through staff to place items on the agenda for Board consideration. No action can be taken on matters not listed on the agenda. Comments are limited to three minutes per person.

BOARD OF DIRECTORS

Jeff Davidson, President
Scott Ratterman, Director

Cindy Secada, Vice President
Bertha Underhill, Director

Russ Thomas, Director

3. CONSENT AGENDA

The following items are expected to be routine / non-controversial. Items will be acted upon by the Board at one time without discussion. Any Board member may request that any item be removed for later discussion.

3a Approval of Minutes for the Board Meetings of September 22 and October 13, 2021
(Rebecca Hitchcock, Clerk to the Board)

3b Report on the Monthly Investment Transactions for September 2021
(Rebecca Callen, Director of Administrative Services)

4. NEW BUSINESS

4a Discussion/Action regarding Approval of Side Letter Agreement with Employee Organization SEIU Local 1021 and Management and Confidential Unit MOU's
(Stacey Lollar, Human Resources Manager) **RES 2021-_____**

4b Discussion/Action regarding Authorization of Remote Teleconference Meetings for the Board of Directors during the Period of October 26, 2021, thru November 25, 2021, Pursuant to AB 361
(Michael Minkler, General Manager) **RES 2021-_____**

5. REPORTS

5a* General Manager's Report
(Michael Minkler)

6.* BOARD REPORTS / INFORMATION / FUTURE AGENDA ITEMS

7. NEXT BOARD MEETINGS

- Wednesday, November 10, 2021, 1:00 p.m., Regular Board Meeting
- Wednesday, November 24, 2021, 1:00 p.m., Regular Board Meeting (Pending cancellation)

8. CLOSED SESSION

8a Negotiations with Employee Organization SEIU Local 1021 Government Code § 54957.6
Agency Negotiators: General Manager, Michael Minkler and HR Manager, Stacey Lollar

8b Conference with Legal Counsel-Anticipated Litigation
Significant Exposure to Potential Litigation - Government Code § 54956.9(d)(2)-3 cases

9. REPORTABLE ACTION FROM CLOSED SESSION

10. ADJOURNMENT



CALAVERAS COUNTY WATER DISTRICT

Board of Directors

District 1 Scott Ratterman
District 2 Cindy Secada
District 3 Bertha Underhill
District 4 Russ Thomas
District 5 Jeff Davidson

Financial Services

Umpqua Bank
US Bank
Wells Fargo Bank

CCWD Committees

*Engineering Committee
*Finance Committee
*Legal Affairs Committee

Joint Power Authorities

ACWA / JPIA
CCWD Public Financing Authority
Calaveras-Amador Mokelumne River Authority (CAMRA)
Calaveras Public Power Agency (CPPA)
Eastern San Joaquin Groundwater Authority
Tuolumne-Stanislaus Integrated Regional Water
Management Joint Powers Authority (T-Stan JPA)
Upper Mokelumne River Watershed Authority (UMRWA)

Other Regional Organizations of Note

Calaveras LAFCO
Calaveras County Parks and Recreation
Committee
Highway 4 Corridor Working Group
Mountain Counties Water Resources
Association (MCWRA)
Mokelumne River Association (MRA)
Tuolumne-Stanislaus Integrated Regional Water
Mgt. JPA Watershed Advisory Committee (WAC)
Eastern San Joaquin Groundwater Authority-Technical
Advisory Committee

Legal Counsel

Matthew Weber, Esq.
Downey Brand, LLP

Auditor

Richardson & Company, LLP

Membership**

Davidson / Thomas (alt. Secada)
Underhill / Secada (alt. Thomas)
Ratterman / Davidson (alt. Thomas)

Ratterman (alt. Michael Minkler)
All Board Members
Ratterman / Underhill (alt. Secada)
Michael Minkler (Alt. Brad Arnold)
Thomas
Secada (alt. Thomas)
Davidson (alt. Ratterman)

Ratterman / Thomas
Thomas (alt. Ratterman)

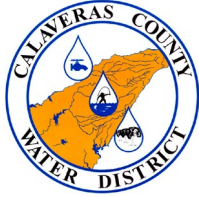
Thomas / Underhill
All Board Members

All Board Members
Brad Arnold

Brad Arnold

* Standing committees, meetings of which require agendas & public notice 72 hours in advance of meeting.

** The 1st name listed is the committee chairperson.



RESOLUTION NO. 2021-72
RESOLUTION NO. PFA-02
ORDINANCE NO. 2021-01

MINUTES

CALAVERAS COUNTY WATER DISTRICT REGULAR BOARD MEETING

SEPTEMBER 22, 2021

Directors Present: Cindy Secada, Vice-President
Scott Ratterman, Director
Bertha Underhill, Director
Russ Thomas, Director

Directors Absent: Jeff Davidson, President

Staff Present: Michael Minkler, General Manager
Rebecca Hitchcock, Clerk to the Board
Stacey Lollar, Human Resources Manager
Rebecca Callen, Director of Administrative Services
Damon Wyckoff, Director of Operations
Pat Burkhardt, Construction and Maintenance Manager
Charles Palmer, District Engineer
Kevin Williams, Civil Engineer, Sr.
Kate Jesus, Engineering Coordinator
Tiffany Burke, Administrative Technician Sr.

Others Present: Jonathan Lesperance, P.E., Lumos & Associates

ORDER OF BUSINESS

CALL TO ORDER / PLEDGE OF ALLEGIANCE

1. ROLL CALL

Vice-President Secada called the Regular Board Meeting to order at 1:08 p.m. and led the Pledge of Allegiance.

2. PUBLIC COMMENT

There was no public comment.

3. CONSENT AGENDA

MOTION: Directors Ratterman/Underhill–Approved Consent Agenda Item:
3b as presented.

- Director Thomas pulled Item 3a from the Consent Agenda**
- 3a Report on the Monthly Investment Transactions for August 2021
(Rebecca Callen, Director of Administrative Services)
- 3b Region 3 Election Ballot for the Association of California Water Agencies
(Michael Minkler, General Manager)

PUBLIC COMMENT: There was no public comment.

AYES: Directors Ratterman, Underhill, Thomas, and Secada
NOES: None
ABSTAIN: None
ABSENT: Director Davidson

OFF CONSENT AGENDA

- Director Thomas pulled Item 3a from the Consent Agenda**
- 3a Report on the Monthly Investment Transactions for August 2021
(Rebecca Callen, Director of Administrative Services)

MOTION: Directors Thomas/Ratterman-by Minute Entry Accepted the Report on the Monthly Investment Transactions for August 2021

DISCUSSION: Director Thomas asked how Chandler Consulting is paid each month. Ms. Callen explained the District receives a bill each month and the amount is deducted from the overall investment returns.

PUBLIC COMMENT: There was no public comment.

AYES: Directors Thomas, Ratterman, Underhill, and Secada
NOES: None
ABSTAIN: None
ABSENT: Director Davidson

Vice-President Secada opened the Public Hearing at 1:13 p.m.

4. PUBLIC HEARING

- 4a Discussion/Action regarding Amending Ordinance 2020-01 Establishing Application of Service Rates and Billing Quotes
(Rebecca Callen, Director of Administrative Services) **ORD 2021-01**

MOTION: Directors Thomas/Underhill-Adopted Ordinance 2021-01-Amending Ordinance 2020-01 Establishing Application of Service Rates and Billing Quotes with verbiage change

DISCUSSION: Ms. Callen presented the changes proposed to Ordinance 2020-01. There was discussion on the various fee changes and what exactly determines a cost to serve. Director Thomas stated he supports the Ordinance with one verbiage change. He would like to see the word leasing removed from Section 2 (see below).

- Section 2. Rates, Tolls, Fares and Charges

The establishment, modification, structuring, restructuring, or approval of rates, tolls, fares, and other changes by this Ordinance are for the purposes of meeting operating expenses, including, without limitation, employee wage rates and fringe benefits, purchasing ~~of or leasing~~ supplies, equipment, or materials, meeting financial reserve requirements, or obtaining funds for capital projects necessary to maintain or expand service to District customers.

PUBLIC COMMENT: There was no public comment.

AYES: Directors Thomas, Underhill, Ratterman, and Secada
NOES: None
ABSTAIN: None
ABSENT: Director Davidson

Vice-President Secada closed the Public Hearing at 1:27 p.m.

5. NEW BUSINESS

5a Discussion/Action regarding Selection of a Consultant and Award of Professional Services Agreement for The Sheep Ranch Water Supply Reliability Study and Facilities Master Plan
(Charles Palmer, District Engineer) **RES 2021-72**

MOTION: Directors Ratterman/Underhill-Adopted Resolution 2021-72-Awarding a Professional Services Agreement for the Sheep Ranch Water Supply Reliability Study and Facilities Master Agreement

DISCUSSION: Mr. Palmer reviewed the scope of the study and gave a summary of the proposals received. Five proposals were reviewed and ranked by a Selection Committee, who ultimately recommended Lumos & Associates. There was brief discussion about the proposals.

PUBLIC COMMENT: There was no public comment.

AYES: Directors Thomas, Underhill, Ratterman, and Secada
NOES: None
ABSTAIN: None
ABSENT: Director Davidson

5b Discussion/Action regarding the Acceptance of an Easement and Related Agreement for the Sheep Ranch Water System's Fire protection Tank
(Damon Wyckoff, Director of Operations) **RES 2021-73**

MOTION: Directors Underhill/Ratterman-Adopted Resolution 2021-73- Accepting an Easement and Related Agreement for the Sheep Ranch Water System's Fire protection Tank

DISCUSSION: Mr. Wyckoff introduced the collaboration between CCWD and Calaveras County to erect a 140,000-gallon non-potable water tank for fire protection in Sheep Ranch. Upon completion of the site survey, it was discovered that the parcel maps of record are approximately one-hundred feet off from the actual property markers. As a result, the desired location of the tank will straddle the property line with the neighbor. Staff determined that the most efficient and cost-effective resolution for this matter was to negotiate an easement with the neighboring property owner to obtain the

additional property necessary for the fire-protection tank installation. The District already has an easement for site access with the neighbor. The additional easement will be provided for the fire-protection tank. The District and the neighboring property owner have come to an agreement for the easement. The property owner will allow the District to install the fire-protection tank for a payment of twelve-thousand dollars. There was discussion between the Board and staff regarding the tank.

PUBLIC COMMENT: There was no public comment.

AYES: Directors Underhill, Ratterman, Thomas, and Secada
NOES: None
ABSTAIN: None
ABSENT: Director Davidson

5c Discussion/Action Regarding the Acceptance of the Memorandum of Understanding between Calaveras County and Calaveras County Water District concerning the Relocation of a Water Tank in Sheep Ranch
(Jessica Self, External Affairs Manager)

MOTION: Directors Thomas/Underhill-by Minute Entry Accepting the Memorandum of Understanding between Calaveras County and Calaveras County Water District concerning the Relocation of a Water Tank in Sheep Ranch

DISCUSSION: Ms. Self stated the District and Calaveras County are collaborating to erect a 140,000-gallon non-potable water tank to be used for fire protection in the community of Sheep Ranch. The District will relocate and install the tank on District property located in Sheep Ranch. The water will be used by Calaveras County and/or its fire prevention partners during emergencies. The cost for transport, construction and connection of the tank will cost \$136,500. Calaveras County will provide the funding to cover the cost of this project, including site improvements as well as tank installation and reassembly costs.

PUBLIC COMMENT: There was no public comment.

AYES: Directors Thomas, Underhill, Ratterman, and Secada
NOES: None
ABSTAIN: None
ABSENT: Director Davidson

6. OLD BUSINESS

6a Update regarding the Tyler Software Conversion
(Rebecca Callen, Director of Administrative Services)

DISCUSSION: Ms. Callen gave an update to the Board regarding the status of the Tyler software upgrade. She reviewed the struggles during implementation, successes, outreach efforts, and next steps in the process. There was discussion regarding changes to payment processing and account set-up.

PUBLIC COMMENT: There was no public comment.

7. REPORTS

7a General Manager's Report
(Michael Minkler)

DISCUSSION: Mr. Minkler reported on the following activities: 1) the District is currently in the Retiree Health buyout election period; 2) a new Senior Civil Engineer was hired and should start in late October; 3) there was a meeting last week with Secretary Crowfoot, Secretary Bloomfield, and ACWA Agency GMs about the drought, water conservation, and warnings for next year; 4) the first meeting of the CPUD/CCWD Committee; 5) field staff presentations have begun at the last Engineering Committee meeting; 6) staff are beginning to update the District's Construction Standards; 7) PG&E Public Safety Power Shutdowns; 8) there is a Redwood Tank Replacement Project delay due to supply chain delays; 9) it is time to re-apply for any ACWA Committees; and 10) the October 27th meeting should be cancelled or moved due to the MCWRA Annual Meeting.

8. BOARD REPORTS / INFORMATION / FUTURE AGENDA ITEMS

Director Underhill presented a letter from Calaveras Fire. She also asked why the State has not put stricter regulations in place for water conservation.

Director Ratterman reported on the Ad Hoc CCWD/CPUD Committee Meeting and the MCWRA Conference on October 27.

Director Thomas had nothing to report.

Director Secada reported there was no IRWM meeting in September. She also attended a tour of the District facilities in West Point. In addition, she would like to see the Directors receive District tablets in an effort to end the printing of agenda packages and save the large cost of postage.

9. NEXT BOARD MEETINGS

- Wednesday, October 13, 2021, 1:00 p.m., Regular Board Meeting
- Wednesday, October 27, 2021, 1:00 p.m., Regular Board Meeting

10. CLOSED SESSION

The meeting adjourned into Closed Session at approximately 2:55 p.m. Those present were Board Members: Russ Thomas, Bertha Underhill, Cindy Secada, and Scott Ratterman; staff members Michael Minkler, General Manager, Damon Wyckoff, Director of Operations (for item 10a), and Matt Weber, General Counsel.

10a Conference with Real Property Negotiators Gov. Code § 54956.8
Property: APN 055-051-008 Agency negotiators: M. Minkler and D. Wyckoff
Under negotiation: Price and/or terms of payment.

10b Conference with Legal Counsel-Anticipated Litigation
Significant Exposure to Potential Litigation-Government Code § 54956.9(d)(2)-1
case

11. REPORTABLE ACTION FROM CLOSED SESSION

The Board reconvened into Open Session at approximately 3:43 p.m. There was no reportable action.

12. **ADJOURNMENT**

With no further business, the meeting adjourned at 3:43 p.m.

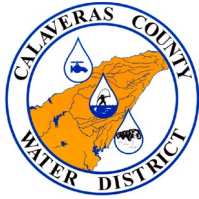
Respectfully Submitted:

ATTEST:

Michael Minkler
General Manager

Rebecca Hitchcock
Clerk to the Board

DRAFT



RESOLUTION NO. 2021-74
RESOLUTION NO. PFA-02
ORDINANCE NO. 2021-02

MINUTES

CALAVERAS COUNTY WATER DISTRICT REGULAR BOARD MEETING

OCTOBER 13, 2021

Directors Present: Jeff Davidson, President
Scott Ratterman, Director
Bertha Underhill, Director
Russ Thomas, Director

Directors Absent: Cindy Secada, Vice-President

Staff Present: Michael Minkler, General Manager
Matt Weber Esq, General Counsel
Rebecca Hitchcock, Clerk to the Board
Rebecca Callen, Director of Administrative Services
Damon Wyckoff, Director of Operations
Charles Palmer, District Engineer
Sam Singh, Engineering Technician Sr.
Kate Jesus, Engineering Coordinator
Tiffany Burke, Administrative Technician Sr.

Others Present: None

ORDER OF BUSINESS

CALL TO ORDER / PLEDGE OF ALLEGIANCE

1. ROLL CALL

President Davidson called the Regular Board Meeting to order at 1:05 p.m. and led the Pledge of Allegiance. Director Secada was absent.

2. PUBLIC COMMENT

There was no public comment.

3. CONSENT AGENDA

MOTION: Directors Ratterman/Underhill–Approved Consent Agenda Items:
3a and 3b as presented.

3a Approval of Minutes for the Board Meeting of September 8, 2021
(Rebecca Hitchcock, Clerk to the Board)

3b Review Board of Directors Monthly Time Sheets for September 2021
(Rebecca Hitchcock, Clerk to the Board)

Director Thomas pulled Item 3c from the Consent Agenda

3c Ratify Claim Summary #595 Secretarial Fund in the Amount of \$1,842,828.30 for
September 2021
(Rebecca Callen, Director of Administrative Services) **RES 2021-_____**

OFF CONSENT AGENDA

Director Thomas pulled Item 3c from the Consent Agenda

3c Ratify Claim Summary #595 Secretarial Fund in the Amount of \$1,842,828.30 for
September 2021
(Rebecca Callen, Director of Administrative Services) **RES 2021-74**

**MOTION: Directors Thomas/Ratterman–Approved Resolution No. 2021-74
Ratifying Claim Summary #595 Secretarial Fund in the Amount of
\$1,842,828.30 for September 2021**

DISCUSSION: Director Thomas asked about several payments listed on the Claim Summary and Ms. Callen responded to each item.

PUBLIC COMMENT: There was no public comment.

AYES: Directors Thomas, Ratterman, Underhill, and Davidson
NOES: None
ABSTAIN: None
ABSENT: Director Secada

4. NEW BUSINESS

4a Discussion and Recommended Action Amending the FY 2021-22 CIP Budget and
Approving a Professional Services Agreement for the Copper Cove Wastewater
Treatment Plant, Pond 6 Effluent Storage Reservoir Enlargement Project
(Charles Palmer, District Engineer) **RES 2021-75**

**MOTION: Directors Thomas/Underhill– Approved Resolution No. 2021-75 Action
Amending the FY 2021-22 CIP Budget and Approving a Professional
Services Agreement for the Copper Cove Wastewater Treatment Plant,
Pond 6 Effluent Storage Reservoir Enlargement Project**

DISCUSSION: Mr. Palmer presented a PowerPoint presentation giving details on the project scope of work, the phases, and the cost. He reviewed the request to add funding for this project to the FY 2021-22 budget. He also discussed the Professional Services Agreement with Wagner & Bonsignore. Mr. Palmer, Mr. Minkler, and Mr. Wycoff responded to questions from the Board.

PUBLIC COMMENT: There was no public comment.

AYES: Directors Thomas, Underhill, Ratterman, and Davidson

NOES: None
ABSTAIN: None
ABSENT: Director Secada

- 4b Recommendation to Sole-Source Purchase a WesTech Trident Filter TR-420-A for the West Point Water Supply Reliability Project (CIP 11106)
(Damon Wyckoff, Director of Operations) **RES 2021-76**

MOTION: Directors Underhill/Thomas– Approved Resolution No. 2021-76
Approving Sole-Source Purchase a WesTech Trident Filter TR-420-A
for the West Point Water Supply Reliability Project (CIP 11106)

DISCUSSION: Mr. Wyckoff explained there is only one local manufacturer and vendor for Trident Filters. They are a packaged treatment system constructed by WesTech and sold by Misco. The District does not have the ability to place this portion of the West Point Water Supply Reliability Project out to bid to review the best proposal and best price from multiple filter manufacturers. Mr. Wyckoff recommended purchasing the unit from Misco and exercise the sole source provision in the District’s purchasing policy. He responded to questions from the Board regarding the Trident Filter and how it functions.

PUBLIC COMMENT: There was no public comment.

AYES: Directors Underhill, Thomas, Ratterman, and Davidson
NOES: None
ABSTAIN: None
ABSENT: Director Secada

5. OLD BUSINESS

There was no old business to discuss.

6. REPORTS

- 6a Report on the September 2021 Operations and Engineering Departments
(Damon Wyckoff, Director of Operations)

DISCUSSION: Mr. Wyckoff presented the September 2021 monthly Operations and Engineering reports. He reviewed items of interest and answered questions from the Board.

PUBLIC COMMENT: There was no public comment.

- 6b General Manager’s Report
(Michael Minkler)

DISCUSSION: Mr. Minkler reported on the following activities: 1) a contract amendment to the design contract for the Arnold Wastewater Treatment Facility Improvement Project; 2) UMWRA meeting that focused on AB 1346 Air Pollution: small off-road engines which bans the sale of small gas engines by 2024; 3) he attended a meeting with VSPUD; 4) the Board of Supervisors has approved the MOU for the Sheep Ranch Fire water tank; 5) Jessica Self and Damon Wyckoff attended the NCPA Emergency Action Plan Functional Tabletop exercise; 6) the Board will be provided with a cheat sheet describing the 5 year rate increase that was adopted in 2018; and 7) the District is working on the Board of Director’s laptops, business cards, and emails.

7. BOARD REPORTS / INFORMATION / FUTURE AGENDA ITEMS

Director Underhill reported that the rain has arrived in Arnold and there was a power outage due to the storm.

Director Ratterman reported that CPUD has hired a new General Manager, Travis Small and filled the opening on their Board of Directors. He also mentioned the MCWRA Conference on October 27, 2021.

Director Thomas discussed the Board of Supervisors draft boundaries map. He mentioned an upcoming meeting between the Calaveras County Planning Commission and CCWD. He was also asked to speak at the upcoming Republican Women’s Federation meeting.

Director Davidson had nothing to report.

8. NEXT BOARD MEETINGS

- Tuesday, October 26, 2021, 1:00 p.m., Regular Board Meeting – **Rescheduled from Wednesday October 27, 2021**
- Wednesday, November 10, 2021, 1:00 p.m., Regular Board Meeting

The meeting adjourned into Closed Session at approximately 2:47 p.m. Those present were Board Members: Russ Thomas, Bertha Underhill, Jeff Davidson, and Scott Ratterman; staff members Michael Minkler, General Manager, Stacey Lollar, Human Resources Manager (for item 9b); and General Counsel, Matt Weber.

9. CLOSED SESSION

- 9a Conference with Legal Counsel-Anticipated Litigation
Significant Exposure to Potential Litigation - Government Code § 54956.9(d)(2)-1 case
- 9b Negotiations with Employee Organization SEIU Local 1021 and Management and Confidential Unit - Government Code § 54957.6
Agency Negotiators: General Manager, Michael Minkler and HR Manager, Stacey Lollar

10. REPORTABLE ACTION FROM CLOSED SESSION

The Board reconvened into Open Session at approximately 3:43 p.m. There was no reportable action.

11. ADJOURNMENT

With no further business, the meeting adjourned at approximately 3:43 p.m.

Respectfully Submitted:

ATTEST:

Michael Minkler
General Manager

Rebecca Hitchcock
Clerk to the Board

Agenda Item

DATE: October 26, 2021

TO: Michael Minkler, General Manager

FROM: Rebecca Callen, Director of Administrative Services

SUBJECT: Report on the Monthly Investment Transactions for September 2021

RECOMMENDED ACTION:

For information only.

SUMMARY:

Per the District's Investment Policy, Staff will report the monthly investment activity for the preceding month. During September 2021, the following investment transactions occurred:

Chandler Asset Management Activity:	
Book Value at 8/31/21	19,984,165.81
Security Purchases	3,581,366.78
Money Market Fund Purchases	13,855.79
Money Market Fund Sales	(3,583,145.23)
Money Market Fund Withdrawals	(1,834.00)
Amortization/Accretion	(5,121.19)
Book Value at 9/30/21	19,989,287.96
Local Agency Investment Fund Activity:	
none	
Balance at 9/30/21	12,891,342.32

LAIF (Local Agency Investment Fund) interest rates are 0.20% as of 9/30/2021. The LAIF rate has remained relatively low, and the majority of available funds are being invested through Chandler Asset Management.

**CALAVERAS COUNTY WATER DISTRICT
INVESTMENT ACTIVITY
FOR THE MONTH ENDING SEPTEMBER 30, 2021**

INVESTMENT TRUSTEE/TYPE	MARKET VALUE	INVESTMENT COST				CM INTEREST AND DIVIDEND RECVD
		COST	PAR (PRINC)	CPN RATE	DATE INVST	
Local Agency Investment Fund	12,891,342.32	12,891,342.32	12,891,342.32	0.200%	ongoing	-
Chandler Asset Management	19,911,292.56	19,989,287.96	19,834,694.34	0.440%	2/17/2021	13,855.79
Totals	32,802,634.88	32,880,630.28	32,726,036.66			13,855.79

Chandler Asset Management Activity:	
Book Value at 8/31/21	19,984,165.81
Security Purchases	3,581,366.78
Money Market Fund Purchases	13,855.79
Money Market Fund Sales	(3,583,145.23)
Money Market Fund Withdrawals	(1,834.00)
Amortization/Accretion	(5,121.19)
Book Value at 9/30/21	19,989,287.96
Local Agency Investment Fund Activity:	
none	
Balance at 9/30/21	12,891,342.32

**CALAVERAS COUNTY WATER DISTRICT
CHANDLER ASSET MANAGEMENT
FOR THE MONTH ENDED SEPTEMBER 30, 2021**

INVESTMENT TRUSTEE/TYPE	MARKET VALUE	INVESTMENT COST			Dividends Earned	Interest Earned	Net Income
		BOOK	PAR Value/Units	CPN RATE			
Asset Backed Security	634,222.98	634,959.75	635,000.00	0.37%	-	183.58	183.58
Agency Securities	2,405,005.60	2,416,760.05	2,400,000.00	0.36%	-	6,945.00	6,945.00
CMO	211,203.20	211,911.01	200,000.00	0.62%	-	-	-
Corporate Securities	3,279,763.85	3,287,905.13	3,205,000.00	0.65%	-	4,187.50	4,187.50
Money Market Fund (Cash)	2,224,694.34	2,224,694.34	2,224,694.34	0.01%	39.71	-	39.71
Negotiable CD	1,650,134.35	1,649,999.86	1,650,000.00	0.20%	-	-	-
Supernational Securities	1,117,315.04	1,121,801.95	1,120,000.00	0.65%	-	-	-
US Treasury	8,388,953.20	8,441,255.87	8,400,000.00	0.51%	-	2,500.00	2,500.00
Totals	19,911,292.56	19,989,287.96	19,834,694.34	0.44%	39.71	13,816.08	13,855.79

Agenda Item

DATE: October 26, 2021

TO: Michael Minkler, General Manager

FROM: Stacey Lollar, Human Resources Manager

SUBJECT: Discussion/Action regarding Approval of an Amendment to the current SEIU Local 1021 and MCU Agreements

RECOMMENDED ACTION:

Motion: _____ / _____ approving Resolution 2021- ____ approving a side letter agreement to the current Memorandum of Understanding with the Management and Confidential Unit (MCU)

Motion: _____ / _____ approving Resolution 2021- ____ approving a side letter agreement to the current Agreement with the SEIU Local 1021 (SEIU)

SUMMARY:

As management has worked through the implementation of the new SEIU Local 1021 Memorandum of Understanding (MOU) and the Management and Confidential (MCU) MOU, several situations have occurred to require a change in language under the Health Benefits sections for the MOUs:

- 1) Change in CalPERS health plans – beginning with the 2022 health plan year CalPERS is eliminating the PERS Choice plan which the MOUs reference in defining the District's and employee's cost of premium share. The proposed change simply updated the plan name to PERS Platinum, to be consistent with CalPERS, beginning January 1, 2022.
- 2) Life Insurance – a typo was discovered regarding the benefit. The District provides a life insurance policy of two times an employee's annual salary not two and a half. There is no change in the benefit.
- 3) Retiree Medical – Language has been added to clarify the intent of the benefit.
- 4) ICMA VantageCare – Previous MOU's for both the SEIU and MCU bargaining units included a medical/dental reimbursement benefit which was based on a calendar year. With the adoption of the new MOU's that benefit was removed and instead employees will be provided an employer contribution per pay period into their ICMA Vantage Care account in lieu of the previous benefit.

However, because the previous benefit was based on a calendar year it created confusion on whether the benefit was still available for employees for services

rendered prior to the new MOUs. The District and bargaining units met and agreed to delay the \$15 employer contribution to the employee ICMA VantageCare accounts until the first pay period of January.

FINANCIAL CONSIDERATIONS:

The proposed updates do not create any needed financial changes.

*Attachments: Red-lined MCU Agreement
Red-lined SEIU MOU
MCU Side Letter Agreement
SEIU Side Letter Agreement
Resolution 2021-__ Approving Side Letter Agreement CCWD and MCU
Resolution 2021-__ Approving Side Letter Agreement CCWD and SEIU*

ARTICLE 8 – Medical and Related Benefits

- A. Medical Insurance – The District contracts for employee, dependents, retirees and their dependents medical insurance benefit plans through CalPERS Public Employees Medical and Hospital Care Act (PEMHCA). Employees have the option of enrolling in any available plan.

The District will contribute up to the following amounts towards employee medical insurance coverage and cafeteria plan benefits:

Tier	Medical Benefit	Cafeteria Plan Benefit	Total Benefit
Employee only	Note 1	Note 2	Note 3
Employee plus one	Note 1	Note 2	Note 4
Employee plus family	Note 1	Note 2	Note 5

Note 1: The Medical Benefit will be equal to the minimum established annually by CalPERS.

Note 2: Cafeteria Plan Benefit will be equal to the difference between the Medical Benefit and the Total Benefit.

Note 3: The total benefit will be equal to the 100% of the Region 1 CalPERS Choice health plan and 100% of the dental premium through December 31, 2021. The total benefit will be equal to the 100% of the Region 1 CalPERS Platinum plan and 100% of the dental premium beginning January 1, 2022.

Note 4: The total benefit will be equal to 92.5% of the Region 1 CalPERS Choice health plan and 92.5% of the dental premium through December 31, 2021. The total benefit will be equal to the 92.5% of the Region 1 CalPERS Platinum plan and 92.5% of the dental premium beginning January 1, 2022.

Note 5: The total benefit will be equal to 90.8% of the Region 1 CalPERS Choice health plan and 90% of the dental premium through December 31, 2021. The total benefit will be equal to the 90.8% of the Region 1 CalPERS Platinum plan and 90% of the dental premium beginning January 1, 2022.

- B. Medical-in-lieu – Employees who provide proof of coverage under a qualified medical plan may decline to accept medical coverage and receive medical-in-lieu. Employees hired before July 1, 2021, will receive \$500 per month. Employees hired after June 30, 2021, will receive a \$250 monthly contribution to their ICMA VantageCare account.
- C. Dental Insurance – The District will maintain a dental plan. Employees and their dependents must enroll in the dental plan.
- D. Vision Insurance – The District will provide employees and their families with vision insurance.
- E. Life Insurance – The District will provide employees with a life insurance policy equal to two ~~and a half~~ times their annual salary up to \$250,000.

- F. Disability Insurance – The District will provide employees with short- and long-term disability insurance in lieu of the employees purchasing California State Disability Insurance.
- G. Retiree Medical – Employees hired prior to the rescission of the vesting schedule, who did not opt out of 22893, will receive a retiree medical benefit equal to 22893, minus the minimum equal contribution as established annually by CalPERS. This vested retiree health benefit right is promised to current retirees and future retirees who qualify under this section when they retire even beyond the term of this MOU.
- H. Retiree Medical Buyout – Employees hired prior to the rescission of the vesting schedule, may make a one-time irrevocable election to accept a buyout of their retiree medical. The election period will be for thirty (30) days following the rescission of the vesting schedule, the decision will be final and binding. Employees who accept the buyouts will have the buyout placed into their VantageCare account on January 1, 2022. The buyouts will be calculated as follows:
- Employees with less than ten (10) years of CalPERS service will receive \$4,000 per year of CalPERS service.
 - Employees with a minimum of ten (10) years of CalPERS service will receive \$8,000 per year of CalPERS service with a maximum buyout of \$168,000.
 - Buyouts will be paid to the nearest tenth of a year of service as of the pay period directly following the rescission of the vesting schedule.

If allowable the District may use the PARS account to fund the buyouts in a lump sum payment, alternatively the District will make payments annually on January 1 of at least \$500,000 divided evenly among all District employees with a remaining balance due. Management retains sole discretion whether to increase the annual payment amount. Any employee who separates from the District with a balance due will receive the remaining amount upon separation.

- I. ICMA VantageCare – The District will provide employees a VantageCare retiree health savings account with ICMA. Employees may withdraw from the plan upon separation from District employment per the requirements of the plan. The District will pay the accounting fee as charged by the plan. The Union may set or adjust the employee contribution amount annually by November 15, to be effective the first pay period in January of the following year. The District will make contributions as follows:
- For employees hired before the rescission of the vesting schedule, and who are covered by 22893 the District will contribute fifteen dollars (\$15) per pay period into their VantageCare Account beginning with the first pay period in January 2022.
 - For employees hired before the rescission of the vesting schedule, and who are not covered by 22893 the District will contribute:
 - i. Forty dollars (\$40) per pay period into their VantageCare Account beginning with the first pay period in October 2021 through the last pay period in December 2021.
 - ii. Sixty-five dollars (\$65) per pay period into their VantageCare Account beginning with the first pay period in January 2022.

- For employees hired after the rescission of the vesting schedule, the District will contribute:
 - i. Twenty-five dollars (\$25) per pay period into their VantageCare Account beginning with the first pay period in October 2021 through the last pay period in December 2021.
 - ii. Forty dollars (\$40) per pay period into their VantageCare Account beginning with the first pay period in January 2022.

DRAFT

ARTICLE 12 HEALTH BENEFITS

- A. Medical Insurance – The District contracts for employee, dependents, retirees and their dependents medical insurance benefit plans through CalPERS Public Employees Medical and Hospital Care Act (PEMHCA). Employees have the option of enrolling in any available plan.

The District will contribute up to the following amounts towards employee medical insurance coverage and cafeteria plan benefits:

Tier	Medical Benefit	Cafeteria Plan Benefit	Total Benefit
Employee only	Note 1	Note 2	Note 3
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Note 4: The total benefit will be equal to 92.5% of the Region 1 CalPERS Choice health plan and 92.5% of the dental premium through December 31, 2021. The total benefit will be equal to the 92.5% of the Region 1 CalPERS Platinum plan and 92.5% of the dental premium beginning January 1, 2022.

Note 5: The total benefit will be equal to 90.8% of the Region 1 CalPERS Choice health plan and 90% of the dental premium through December 31, 2021. The total benefit will be equal to the 90.8% of the Region 1 CalPERS Platinum plan and 90% of the dental premium beginning January 1, 2022.

- B. Medical-in-lieu – Employees who provide proof of coverage under a qualified medical plan may decline to accept medical coverage and receive medical-in-lieu. Employees hired before July 1, 2021, will receive \$500 per month. Employees hired after June 30, 2021, will receive a \$250 monthly contribution to their ICMA VantageCare account.
- C. Dental Insurance – The District will maintain a dental plan. Employees and their dependents must enroll in the dental plan.
- D. Vision Insurance – The District will provide employees and their families with vision insurance.
- E. Life Insurance – The District will provide employees with a life insurance policy equal to two ~~and a half~~ times their annual salary up to \$250,000.

- F. Disability Insurance – The District will provide employees with short- and long-term disability insurance in lieu of the employees purchasing California State Disability Insurance.
- G. Retiree Medical – Employees hired prior to the rescension of the vesting schedule, who did not opt out of 22893, will receive a retiree medical benefit equal to 22893, minus the minimum equal contribution as established annually by CalPERS. This vested retiree health benefit right is promised to current retirees and future retirees who qualify under this section when they retire even beyond the term of this MOU.

H. Limited Eligibility Exception for Workplace Injuries: Employees with less than 10 years of CalPERS service credit are entitled to receive a retiree medical benefit equal to the benefit available under 22893 if the employee:

- a. was hired prior to the rescension of the vesting schedule,
- b. did not opt out of 22893,
- c. has at least 10 years of service with the District but, due to a work related injury while at CCWD, has less than 10 years of CalPERS service credit,
- d. retired after July 1, 2021, and before June 30, 2026,
- e. has between 9.75 and 10 years of CalPERS service credit as calculated by CalPERS under 22893.

If all of the above conditions are met, the retiree will receive a retiree medical benefit as if they had accrued exactly 10 years of CalPERS service credit under 22893

H.I. Retiree Medical Buyout – Employees hired prior to the rescension of the vesting schedule, may make a one-time irrevocable election to accept a buyout of their retiree medical. The election period will be for thirty (30) days following the rescension of the vesting schedule, the decision will be final and binding. Employees who accept the buyouts will have the buyout placed into their VantageCare account on January 1, 2022. The buyouts will be calculated as follows:

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- Employees with a minimum of ten (10) years of CalPERS service will receive \$8,000 per year of CalPERS service with a maximum buyout of \$168,000.
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If allowable the District may use the PARS account to fund the buyouts in a lump sum payment, alternatively the District will make payments annually on January 1 of at least \$500,000 divided evenly among all District employees with a remaining balance due. Management retains sole discretion whether to increase the annual payment amount. Any employee who separates from the District with a balance due will receive the remaining amount upon separation.

H.J. ICMA VantageCare – The District will provide employees a VantageCare retiree health savings account with ICMA. Employees may withdraw from the plan upon separation from District employment per the requirements of the plan. The District will pay the accounting

fee as charged by the plan. The Union may set or adjust the employee contribution amount annually by November 15, to be effective the first pay period in January of the following year. The District will make contributions as follows:

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**AGREEMENT BETWEEN
CALAVERAS COUNTY WATER DISTRICT
AND
MANAGEMENT & CONFIDENTIAL UNIT**

Term: July 1, 2021 through June 30, 2026

Side Letter of Agreement
Amendment to Article 8

Effective October 26, 2021, the Calaveras County Water District (the District) and Management and Confidential Unit (the MCU) agree to the following side letter amending the Memorandum of Understanding (MOU) for the term July 1, 2021 through June 30, 2026. All MOU language not included in this amendment remains the same and continues to be valid.

Article 8 Medical and Related Benefits

- A. Medical Insurance – The District contracts for employee, dependents, retirees and their dependents medical insurance benefit plans through CalPERS Public Employees Medical and Hospital Care Act (PEMHCA). Employees have the option of enrolling in any available plan.

The District will contribute up to the following amounts towards employee medical insurance coverage and cafeteria plan benefits:

Tier	Medical Benefit	Cafeteria Plan Benefit	Total Benefit
Employee only	Note 1	Note 2	Note 3
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Note 1: The Medical Benefit will be equal to the minimum established annually by CalPERS.

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Note 3: The total benefit will be equal to the 100% of the Region 1 CalPERS Choice health plan and 100% of the dental premium through December 31, 2021. The total benefit will be equal to the 100% of the Region 1 CalPERS Platinum plan and 100% of the dental premium beginning January 1, 2022.

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**AGREEMENT BETWEEN
CALAVERAS COUNTY WATER DISTRICT
AND
MANAGEMENT & CONFIDENTIAL UNIT**

Term: July 1, 2021 through June 30, 2026

- E. Life Insurance – The District will provide employees with a life insurance policy equal to two times their annual salary up to \$250,000.

- I. ICMA VantageCare – The District will provide employees a VantageCare retiree health savings account with ICMA. Employees may withdraw from the plan upon separation from District employment per the requirements of the plan. The District will pay the accounting fee as charged by the plan. The Union may set or adjust the employee contribution amount annually by November 15, to be effective the first pay period in January of the following year. The District will make contributions as follows:
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 - ii. Sixty-five dollars (\$65) per pay period into their VantageCare Account beginning with the first pay period in January 2022.
 - c. For employees hired after the rescission of the vesting schedule, the District will contribute:
 - i. Twenty-five dollars (\$25) per pay period into their VantageCare Account beginning with the first pay period in October 2021 through the last pay period in December 2021.
 - ii. Forty dollars (\$40) per pay period into their VantageCare Account beginning with the first pay period in January 2022.

**AGREEMENT BETWEEN
CALAVERAS COUNTY WATER DISTRICT
AND
MANAGEMENT & CONFIDENTIAL UNIT
Term: July 1, 2021 through June 30, 2026**

Signed and agreed:

For the District:

For the MCU:

Michael Minkler
General Manager

Rebecca Callen
MCU Representative

Date: _____

Date: _____

Damon Wyckoff
MCU Representative

Date: _____

CALAVERAS COUNTY WATER DISTRICT
MEMORANDUM OF UNDERSTANDING
with
SEIU LOCAL 1021
Term: July 1, 2021 through June 30, 2026

Side Letter of Agreement
Amendment to Article 12

Effective October 26, 2021, the Calaveras County Water District (the District) and SEIU Local 1021 (the Union) agree to the following side letter amending the Memorandum of Understanding (MOU) for the term July 1, 2021 through June 30, 2026. All MOU language not included in this amendment remains the same and continues to be valid.

ARTICLE 12 HEALTH BENEFITS

- A. Medical Insurance – The District contracts for employee and their dependents medical insurance benefit plans through CalPERS Public Employees Medical and Hospital Care Act (PEMHCA). Employees have the option of enrolling in any available plan.

The District will contribute up to the following amounts towards employee medical insurance coverage and cafeteria plan benefits:

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Note 3: The total benefit will be equal to the 100% of the Region 1 CalPERS Platinum health plan and 100% of the dental premium through December 31, 2021. The total benefit will be equal to the 100% of the Region 1 CalPERS Platinum plan and 100% of the dental premium beginning January 1, 2022.

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Note 5: The total benefit will be equal to 90.8% of the Region 1 CalPERS Platinum health plan and 90% of the dental premium through December 31, 2021. The total benefit will be equal to the 90.8% of the Region 1 CalPERS Platinum plan and 90% of the dental premium beginning January 1, 2022.

CALAVERAS COUNTY WATER DISTRICT
MEMORANDUM OF UNDERSTANDING
with
SEIU LOCAL 1021
Term: July 1, 2021 through June 30, 2026

Life Insurance – The District will provide employees with a life insurance policy equal to two times their annual salary up to \$250,000.

- H. Limited Eligibility Exception for Workplace Injuries - Employees with less than 10 years of CalPERS service credit are entitled to receive a retiree medical benefit equal to the benefit available under 22893 if the employee:
- a. was hired prior to the rescission of the vesting schedule,
 - b. did not opt out of 22893,
 - c. has at least 10 years of service with the District but, due to a work related injury while at CCWD, has less than 10 years of CalPERS service credit,
 - d. retired after July 1, 2021, and before June 30, 2026,
 - e. has between 9.75 and 10 years of CalPERS service credit as calculated by CalPERS under 22893.

If all of the above conditions are met, the retiree will receive a retiree medical benefit as if they had accrued exactly 10 years of CalPERS service credit under 22893.

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 - ii. Sixty-five dollars (\$65) per pay period into their VantageCare Account beginning with the first pay period in January 2022.
 - c. For employees hired after the rescission of the vesting schedule, the District will contribute:
 - i. Twenty-five dollars (\$25) per pay period into their VantageCare Account beginning with the first pay period in October 2021 through the last pay period in December 2021.
 - ii. Forty dollars (\$40) per pay period into their VantageCare Account beginning with the first pay period in January 2022.

CALAVERAS COUNTY WATER DISTRICT
MEMORANDUM OF UNDERSTANDING
with
SEIU LOCAL 1021
Term: July 1, 2021 through June 30, 2026

Signed and agreed:

For the District:

For the Union:

Michael Minkler
General Manager

Dennis Mallory
SEIU Local 1021 Field Representative

Date: _____

Date: _____

Richard Hibbard
SEIU Local 1021 Chapter President

Date: _____

RESOLUTION NO. 2021-

**A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE CALAVERAS COUNTY WATER DISTRICT**

**APPROVING A SIDE LETTER TO THE AGREEMENT BETWEEN
THE CALAVERAS COUNTY WATER DISTRICT
AND THE MANAGEMENT AND CONFIDENTIAL UNIT (MCU)
EFFECTIVE JULY 1, 2021 THROUGH JUNE 30, 2026**

WHEREAS, both the Board of Directors of the Calaveras County Water District (CCWD) and MCU entered into an Agreement having an effective date of July 1, 2021 through June 30, 2026, the terms of which the Agreement are incorporated herein by this reference; and

WHEREAS, the Board of Directors agree to revise language under Article 8 – Medical and Related Benefits for the clarification and accuracy of implementation; and

WHEREAS, District staff has successfully met and conferred with the SEIU.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Calaveras County Water District approve updated language to Article 8 – Medical and Related Benefits attached hereto and made a part hereof.

PASSED AND ADOPTED by this 26th day of October 2021 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

CALAVERAS COUNTY WATER DISTRICT

Jeff Davidson, President
Board of Directors

ATTEST:

Rebecca Hitchcock
Clerk to the Board

RESOLUTION NO. 2021-

**A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE CALAVERAS COUNTY WATER DISTRICT**

**APPROVING A SIDE LETTER TO THE AGREEMENT BETWEEN
THE CALAVERAS COUNTY WATER DISTRICT
AND THE SERVICE EMPLOYEES INTERNATIONAL UNION (SEIU) LOCAL 1021
EFFECTIVE JULY 1, 2021 THROUGH JUNE 30, 2026**

WHEREAS, both the Board of Directors of the Calaveras County Water District (CCWD) and SEIU entered into an Agreement having an effective date of July 1, 2021 through June 30, 2026, the terms of which the Agreement are incorporated herein by this reference; and

WHEREAS, the Board of Directors agree to revise language under Article 12 – Health Benefits for the clarification and accuracy of implementation; and

WHEREAS, District staff has successfully met and conferred with the SEIU.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Calaveras County Water District approve updated language to Article 12 – Health Benefits attached hereto and made a part hereof.

PASSED AND ADOPTED by this 26th day of October 2021 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

CALAVERAS COUNTY WATER DISTRICT

Jeff Davidson, President
Board of Directors

ATTEST:

Rebecca Hitchcock
Clerk to the Board

Agenda Item

DATE: October 26, 2021

TO: Board of Directors

FROM: Michael Minkler, General Manager

SUBJECT: Discussion/Action Authorizing Remote Teleconference Meetings of the Board of Directors of The Calaveras County Water District for the Period October 26, 2021 thru November 25, 2021 Pursuant to AB 361

RECOMMENDED ACTION:

Motion: _____ / _____ adopting Resolution No.2021____ Authorizing Remote Teleconference Meetings of the Board of Directors of The Calaveras County Water District for the Period October 26, 2021 Thru November 25 Pursuant to AB 361

SUMMARY:

Starting in March 2020, amid rising concern surrounding the spread of COVID-19 throughout communities in the state, California Governor Gavin Newsom issued a series of Executive Orders aimed at containing the novel coronavirus. These Executive Orders (N-25-20, N-29-20, N-35-20) collectively modified certain requirements created by the Ralph M. Brown Act (“the Brown Act”), the state’s local agency public meetings law.

The orders waived several requirements, including requirements in the Brown Act expressly or impliedly requiring the physical presence of members of the legislative body, the clerk or other personnel of the body, or of the public as a condition of participation in or for the purpose of establishing a quorum for a public meeting.

Furthermore, the orders:

- waived the requirement that local agencies provide notice of each teleconference location from which a member of the legislative body will be participating in a public meeting,
- waived the requirement that each teleconference location be accessible to the public,
- waived the requirement that members of the public be able to address the legislative body at each teleconference conference location,

- waived the requirement that local agencies post agendas at all teleconference locations, and,
- waived the requirement that at least a quorum of the members of the local body participate from locations within the boundaries of the territory over which the local body exercises jurisdiction.

The Brown Act Executive Orders were scheduled to sunset on September 30, 2021 rescinding the aforementioned modifications to the Brown Act. This would require local agencies to once again ensure that the public is provided with access to a physical location from which they may observe a public meeting and offer public comment.

Assembly Bill 361, introduced in February 2021 by Assembly Member Robert Rivas (D-30, Hollister), and sponsored by the California Special Districts Association, provides local agencies with the ability to meet remotely during proclaimed state emergencies under modified Brown Act requirements, similar in many ways to the rules and procedures established by the Governor's Executive Orders. The provisions enacted by AB 361 providing flexibility to meet remotely during a proclaimed emergency will sunset on January 1, 2024. This is subject to change if a future Legislature and Governor elect to extend the sunset or make the provisions permanent.

Please see the attached AB 361 Implementation Guide for detailed requirements under AB361.

A local agency wishing to rely on the provisions of AB 361 must meet one of the following criteria:

- (A) 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
- (B) 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
- (C) 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.

These criteria permit a local agency to schedule a remote meeting to determine whether meeting in-person during the state of emergency would pose imminent risk to the health or safety of attendees. At that remote meeting, a local agency may determine by majority vote that sufficient risks exist to the health or safety of attendees as a result of the emergency and pass a resolution to that effect. These criteria also permit a local agency to meet remotely in the event that there is a state of emergency declaration while state or local officials have recommended or required measures to promote social distancing. If

a local agency passes a resolution by majority vote that meeting in-person during the state of emergency would present imminent risks to the health or safety of attendees, the resolution will permit meeting under the provisions of AB 361 for a maximum period of 30 days. After 30 days, the local agency would need to renew its resolution, consistent with the requirements of AB 361, if the agency desires to continue meeting under the modified Brown Act requirements or allow the resolution to lapse.

FINANCIAL CONSIDERATIONS:

None at this time.

*Attachments: a) Resolution 2021-__ Ratifying the Proclamation of a State of Emergency on March 4, 2020 and Authorizing Remote Teleconference Meetings of The Board of Directors of the Calaveras County Water District for the Period October 26, 2021 thru November 25 Pursuant to Brown Act Provisions
 b) CSDA AB 361 Implementation Guide*

RESOLUTION NO. 2021-

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE CALAVERAS COUNTY WATER DISTRICT RATIFYING THE PROCLAMATION OF A STATE OF EMERGENCY ON MARCH 4, 2020 AND AUTHORIZING REMOTE TELECONFERENCE MEETINGS OF THE BOARD OF DIRECTORS OF THE CALAVERAS COUNTY WATER DISTRICT FOR THE PERIOD OCTOBER 26, 2021 THRU NOVEMBER 25 PURSUANT TO BROWN ACT PROVISIONS

WHEREAS, the Calaveras County Water District committed to preserving and nurturing public access and participation in meetings of the Board of Directors; and

WHEREAS, all meetings of Calaveras County Water 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, Government Code section 54953(e), makes provisions for remote teleconferencing participation in meetings by members of a Board of Directors, 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 Board of Directors meeting in person would present imminent risks to the health and safety of attendees; and

WHEREAS, such conditions now exist in the District, specifically, the State of Emergency declared by Governor Newsom on March 4, 2020, due to COVID-19; and

WHEREAS, the Board of Directors does hereby find that the rise in SARS-CoV-2 Delta Variant 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 desires to proclaim a local emergency and ratify the proclamation of state of emergency by the Governor of the State of California; and

WHEREAS, as a consequence of the local emergency, the Board of Directors does hereby find that the legislative bodies of Calaveras County Water District shall conduct their meetings without compliance with paragraph (3) of subdivision (b) of Government Code section 54953, as authorized by subdivision (e) of section 54953, and that such legislative bodies 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, The regular meetings of the Board, and any and all other meetings of the District's legislative bodies that are subject to the Brown Act, may be held via teleconference or other electronic means, in the manner set forth in the Virtual Public Meeting Protocols to this Declaration, which may be updated, from time to time, in the actual agenda notice for the meeting of the legislative body. All members of the public seeking to observe and/or to address the local legislative body may participate in the meeting telephonically or otherwise electronically in the manner set forth in the Virtual Public Meeting Protocols attached to this Declaration which may be updated, from time to time, in the actual agenda notice for the meeting of the legislative body.

NOW, THEREFORE, The Board Of Directors OF CALAVERAS COUNTY WATER 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. Proclamation of Local Emergency. The Board hereby proclaims that a local emergency now exists throughout the District, and COVID-19 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.

Section 3. 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. The General Manager and legislative bodies of Calaveras County Water District 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) November 25, 2021, or such time 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 Calaveras County Water District may continue to teleconference without compliance with paragraph (3) of subdivision (b) of section 54953.

PASSED AND ADOPTED, this 26th day of October, 2021, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

CALAVERAS COUNTY WATER DISTRICT

Jeff Davidson, President
Board of Directors

ATTEST:

Rebecca Hitchcock
Clerk to the Board



**California Special
Districts Association**
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AB 361 Implementation Guide



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AB 361 – Brown Act: Remote Meetings During a State of Emergency

Background – the Governor’s Executive Orders:

Starting in March 2020, amid rising concern surrounding the spread of COVID-19 throughout communities in the state, California Governor Gavin Newsom issued a series of Executive Orders aimed at containing the novel coronavirus. These Executive Orders ([N-25-20](#), [N-29-20](#), [N-35-20](#)) collectively modified certain requirements created by the Ralph M. Brown Act (“the Brown Act”), the state’s local agency public meetings law.

The orders waived several requirements, including requirements in the Brown Act expressly or impliedly requiring the physical presence of members of the legislative body, the clerk or other personnel of the body, or of the public as a condition of participation in or for the purpose of establishing a quorum for a public meeting.¹² Furthermore, the orders:

- waived the requirement that local agencies provide notice of each teleconference location from which a member of the legislative body will be participating in a public meeting,
- waived the requirement that each teleconference location be accessible to the public,
- waived the requirement that members of the public be able to address the legislative body at each teleconference conference location,
- waived the requirement that local agencies post agendas at all teleconference locations, and,
- waived the requirement that at least a quorum of the members of the local body participate from locations within the boundaries of the territory over which the local body exercises jurisdiction.

Under the orders, local agencies were still required to provide advance notice of each public meeting according to the timeframe otherwise prescribed by the Brown Act, and using the means otherwise prescribed by the Brown Act. Agencies were – for a time – required to allow members of the public to observe and address the meeting telephonically or otherwise electronically. Local agencies were eventually explicitly freed from the obligation of providing a physical location from which members of the public could observe the meeting and offer public comment.³

In each instance in which notice of the time of the meeting was given or the agenda for the meeting was posted, the local agency was required to give notice of the manner members of the public could observe the meeting and offer public comment. In any instance in which there was a change in the manner of public observation and comment, or any instance prior to the issuance of the executive orders in which the time of the meeting had been noticed or the agenda for the meeting had been posted without also including notice of the manner of public observation and comment, a local agency would be able to satisfy this requirement by

¹ **Executive Order N-25-20**, <https://www.gov.ca.gov/wp-content/uploads/2020/03/3.12.20-EO-N-25-20-COVID-19.pdf>

² **Executive Order N-29-20**, <https://www.gov.ca.gov/wp-content/uploads/2020/03/3.17.20-N-29-20-EO.pdf>

³ *Ibid*



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advertising the means of public observation and comment using "the most rapid means of communication available at the time" within the meaning of California Government Code, section 54954(e); this includes, but is not limited to, posting the manner in which the public could participate on the agency's website.

The orders also provided flexibility for a legislative body to receive a "serial" or simultaneous communication outside of an open meeting, allowing all members of the legislative body to receive updates (including, but not limited to, simultaneous updates) relevant to the emergency (including, but not limited to, updates concerning the impacts of COVID-19, the government response to COVID-19, and other aspects relevant to the declared emergency) from federal, state, and local officials, and would be allowed to ask questions of those federal, state, and local officials, in order for members of the legislative body to stay apprised of emergency operations and the impact of the emergency on their constituents. Members of a local legislative body were explicitly not permitted to take action on, or to discuss amongst themselves, any item of business that was within the subject matter jurisdiction of the legislative body without complying with requirements of the Brown Act.⁴

The Brown Act Executive Orders Sunset – September 30, 2021

On June 11, 2021, the Governor issued Executive Order N-08-21 which rescinds the aforementioned modifications made to the Brown Act, effective September 30, 2021.⁵ After that date, local agencies are required to observe all the usual Brown Act requirements *status quo ante* (as they existed prior to the issuance of the orders). Local agencies must once again ensure that the public is provided with access to a physical location from which they may observe a public meeting and offer public comment. Local agencies must also resume publication of the location of teleconferencing board members, post meeting notices and agendas in those locations, and make those locations available to the public in order to observe a meeting and provide public comment.

AB 361 – Flexibility for Remote Open Meetings During a Proclaimed State Emergency

Assembly Bill 361, introduced in February 2021 by Assembly Member Robert Rivas (D-30, Hollister), and sponsored by the California Special Districts Association, provides local agencies with the ability to meet remotely **during proclaimed state emergencies** under modified Brown Act requirements, similar in many ways to the rules and procedures established by the Governor's Executive Orders.

Important Note: *AB 361's provisions can only be used in the event that a gubernatorial state of emergency 1) has been issued AND 2) remains active. It is not sufficient that county and/or city officials have issued a local emergency declaration – the emergency declaration must be one that is made pursuant to the California Emergency Services Act (CA GOVT § 8625).*

⁴ **Executive Order N-35-20**, <https://www.gov.ca.gov/wp-content/uploads/2020/03/3.21.20-EO-N-35-20.pdf>

⁵ **Executive Order N-08-21**, <https://www.gov.ca.gov/wp-content/uploads/2021/06/6.11.21-EO-N-08-21-signed.pdf>



Specifically, AB 361 suspends the requirements located in California Government Code, section 54953, subdivision (b), paragraph (3). What does this mean for local agencies? This means that, during a state of emergency, under specified circumstances, local agencies can meet pursuant to modified Brown Act requirements. Each of these modifications is broken out below.

The provisions enacted by AB 361 providing flexibility to meet remotely during a proclaimed emergency will sunset on January 1, 2024. This is subject to change if a future Legislature and Governor elect to extend the sunset or make the provisions permanent.

AB 361 IMPACTS ON LOCAL AGENCY COMPLIANCE WITH THE BROWN ACT

Brown Act Requirement	Requirement under AB 361
If the legislative body of a local agency elects to use teleconferencing, it shall post agendas at all teleconference locations and conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the legislative body of a local agency.	<ul style="list-style-type: none"> Agendas not required to be posted at all teleconference locations Meeting must still be conducted in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the legislative body of a local agency

In the context of an emergency, members of the legislative body of a local agency may be teleconferencing from less-than-ideal locations – e.g., the private domicile of a friend or relative, a hotel room, an evacuation shelter, from a car, etc. The nature of the emergency may further compound this issue, as was the case during the COVID-19 outbreak and the necessity to implement social distancing measures. To address this issue, AB 361 provides relief from the obligation to post meeting agendas at all conference locations.

Although local agencies are relieved from this obligation, local agencies should endeavor to post meeting agendas at all usual locations where it remains feasible to do so.

Important Note: *Local agencies must still provide advance notice of public meetings and must still post meeting agendas consistent with the provisions of the Brown Act. AB 361 does nothing to change the fact that meetings must still be noticed and agendized in advance.*

Brown Act Requirement	Requirement under AB 361
If the legislative body of a local agency elects to use teleconferencing, each teleconference location shall be identified in the notice and agenda of the meeting or proceeding, and each teleconference location shall be accessible to the public.	<ul style="list-style-type: none"> Agendas are not required to identify each teleconference location in the meeting notice/agenda Local agencies are not required to make each teleconference location accessible to the public

Emergencies can – and often do – happen quickly. As was the case with the 2018 Camp Fire, individuals fleeing a disaster area may end up in disparate locations throughout the state. These impromptu, ad hoc locations are not ideal for conducting meetings consistent with the usual



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Brown Act requirements, which may impede local agencies seeking to meet promptly in response to calamity. To that end, AB 361 removes the requirement to document each teleconference location in meeting notices and agendas. Similarly, local agencies are not required to make these teleconference locations accessible to the public.

Brown Act Requirement	Requirement under AB 361
If the legislative body of a local agency elects to use teleconferencing, during the teleconferenced meeting, at least a quorum of the members of the legislative body shall participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction.	<ul style="list-style-type: none"> No requirement to have a quorum of board members participate from within the territorial bounds of the local agency's jurisdiction

The purpose of AB 361 is to assist local agencies with continuing their critical operations despite facing emergencies that pose a risk to human health and safety – emergencies which oftentimes correspond with advisory or mandatory evacuation orders (e.g., wildfires, earthquakes, gas leaks, etc.). An emergency which drives individuals from an area could make meeting within the bounds of a local agency impossible to do feasibly or safely. Accordingly, AB 361 allows for local agencies to disregard quorum requirements related to members of a legislative body teleconferencing from locations beyond the local agency's territory.

Brown Act Requirement	Requirement under AB 361
If the legislative body of a local agency elects to use teleconferencing, the agenda shall provide an opportunity for members of the public to address the legislative body directly at each teleconference location.	<ul style="list-style-type: none"> In each instance in which notice of the time of the teleconferenced meeting is given or the agenda for the meeting is posted, the legislative body shall also give notice of the manner by which members of the public may access the meeting and offer public comment The agenda shall identify and include an opportunity for all persons to attend via a call-in option or an internet-based service option The legislative body shall allow members of the public to access the meeting, and the agenda shall include an opportunity for members of the public to address the legislative body directly In the event of a disruption which prevents the local agency from broadcasting the meeting to members of the public using the call-in option or internet-based service option, or in the event of a disruption within the local



	<p>agency's control which prevents members of the public from offering public comments using the call-in option or internet-based service option, the legislative body shall take no further action on items appearing on the meeting agenda until public access to the meeting via the call-in option or internet-based service option is restored</p> <ul style="list-style-type: none">• Written/remote public comment must be accepted until the point at which the public comment period is formally closed; registration/sign-up to provide/be recognized to provide public comment can only be closed when the public comment period is formally closed
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The right of individuals to attend the public meetings of local agencies and be face-to-face with their elected or appointed public officials is viewed as sacrosanct, only able to be abrogated in the most extraordinary of circumstances. Under normal conditions, local agencies are required to allow members of the public to participate in a public meeting from the very same teleconference locations that other board members are using to attend that meeting.

AB 361 solves the specific problem of what to do in circumstances when local agencies are holding their meetings remotely during an emergency and it would be unsafe to permit access to members of the public to the remote teleconference locations. AB 361 permits local agencies to meet without making teleconference locations available to members of the public, **provided that** members of the public are afforded the opportunity to provide public comment remotely as well.

Importantly, local agencies must ensure that the opportunity for the public to participate in a meeting remains as accessible as possible. This means that local agencies cannot discriminate against members of the public participating either remotely or in-person. In practice, this means:

- Local agencies must clearly advertise the means by which members of the public can observe a public meeting or offer comment during a meeting remotely, via either a call-in or internet-based option

Importantly, local agencies are required to provide the relevant remote access information to members of the public looking to attend a meeting of a local agency legislative body. This information includes, but is not limited to: phone numbers, passwords, URLs, email addresses, etc. Using this information, members of the public must be able to attend the meeting remotely. Any of the information related to participation must be included in the relevant meeting notice(s) and meeting agenda(s). If an agency fails to provide one or more of these key pieces of



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information in a meeting notice or agenda, the agency should not proceed with the meeting as-is, as it could result in any subsequent action being rendered null or void.

- Agencies whose meetings are interrupted by technological or similar technical disruptions must first resolve those issues before taking any other action(s) on items on the meeting agenda

In a notable departure from the terms of the Governor's orders, AB 361 explicitly requires that local agencies must first resolve any remote meeting disruption before proceeding to take further action on items appearing on a meeting agenda. In the event that a public comment line unexpectedly disconnects, a meeting agenda was sent out with the incorrect web link or dial-in information, the local agency's internet connection is interrupted, or other similar circumstances, a local agency is required to stop the ongoing meeting and work to resolve the issue before continuing with the meeting agenda.

Local agencies should ensure that the public remains able to connect to a meeting and offer public comment by the means previously advertised in the meeting notice or agenda. This may require directing staff to monitor the means by which the public can observe the meeting and offer comment to ensure that everything is operating as intended.

In the event that a meeting disruption within the control of the agency cannot be resolved, a local agency should not take any further action on agenda items; the local agency should end the meeting and address the disruption in the interim, or it may risk having its actions set aside in a legal action.

Important Note: *Test, test, test! Local agencies should be testing their remote meeting setup in advance of (and during) every meeting to ensure that there are no apparent issues. Local agency staff should attempt to attend the meeting in the same way(s) made available to members of the public and demonstrate that everything is working as intended. The fact that staff tested the system before and during a meeting and failed to detect any problems may become a key factor in any potential legal action against the agency.*

- Local agencies cannot require that written comments be submitted in advance of a meeting

It is not permissible to require that members of the public looking to provide public comment do so by submitting their comment(s) in advance of a meeting – in fact, not only is this a violation of AB 361's terms, it is also a violation of the Brown Act generally. Both AB 361 and the Brown Act explicitly require that members of the public be given the opportunity to provide public comment **directly** – that is, live and at any point prior to public comment being officially closed during a public meeting. Until such time during a meeting that the chairperson (or other authorized person) calls for a close to the public comment period, members of the public are allowed to submit their public comments directly or indirectly, orally, written, or otherwise.

- Local agencies may only close registration for public comment at the same time the public comment period is closed, and must accept public comment until that point



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Local agencies cannot require that individuals looking to provide public comment register in advance of a meeting (though agencies may extend the **possibility** of advance registration or commenting as a **non-mandatory** option). Nor may local agencies require that individuals looking to provide public comment register in advance of the agenda item being deliberated by a local agency. Local agencies may only close registration for public comment at the same time that they close the public comment period for all. Until the public comment period is completely closed for all, members of the public must be permitted to register for, and provide, public comment.

Local agencies that agendize a comment period for each agenda item cannot close the public comment period for the agenda item, or the opportunity to register to provide public comment, until that agendized public comment period has elapsed.

Local agencies that do not provide an agendized public comment period but instead take public comment separately on an informal, ad hoc basis on each agenda item must allow a reasonable amount of time per agenda item to allow public members the opportunity to provide public comment, including time for members of the public to register or otherwise be recognized for the purpose of providing public comment.

Local agencies with an agendized general public comment period that does not correspond to a specific agenda item (i.e., one occurring at the start of a meeting, covering all agenda items at once) cannot close the public comment period or the opportunity to register until the general public comment period has elapsed.

Brown Act Requirement	Requirement under AB 361
<p>A member of the public shall not be required, as a condition to attendance at a meeting of a legislative body of a local agency, to register his or her name, to provide other information, to complete a questionnaire, or otherwise to fulfill any condition precedent to his or her attendance.</p> <p>If an attendance list, register, questionnaire, or other similar document is posted at or near the entrance to the room where the meeting is to be held, or is circulated to the persons present during the meeting, it shall state clearly that the signing, registering, or completion of the document is voluntary, and that all persons may attend the meeting regardless of whether a person signs, registers, or completes the document.</p>	<ul style="list-style-type: none"> An individual desiring to provide public comment through the use of an internet website, or other online platform, not under the control of the local legislative body that requires registration to log in to a teleconference, may be required to register as required by the third-party internet website or online platform to participate

“Zoom meetings” became ubiquitous during the COVID-19 pandemic – for good reason. The Zoom video teleconferencing software was free (with some “premium” features even made temporarily free to all users), easily deployed, and user-friendly. All one needed was a Zoom



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account and then they'd be able to make use of the platform's meeting services, hosting and attending various meetings as they pleased.

Unfortunately, the Brown Act has long prohibited the use of mandatory registration or "sign-ups" to attend public meetings or to provide public comment. Privacy and good governance concerns prohibit such information gathering from members of the public seeking to remain anonymous while also engaging with their government. Accordingly, it would normally be a concern to use any teleconference platform which may require participants to register for an account even when it is not the local agency establishing that requirement.

AB 361 resolves this issue by explicitly allowing local agencies to use platforms which, incidental to their use and deployment, may require users to register for an account with that platform so long as the platform is not under the control of the local agency.

Important Note: Just because you "can" doesn't mean you "should." There are products on the market that do not require individuals to sign up for/sign in to an account to participate in a remote meeting. Local agencies are heavily discouraged from contacting their remote meeting platform vendor in an attempt to uncover information about meeting attendees.

RESOLUTIONS: ENACTING ASSEMBLY BILL 361

A local agency wishing to rely on the provisions of AB 361 must meet one of the following criteria:

- (A) 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
- (B) 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
- (C) 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.

These criteria permit a local agency to schedule a remote meeting to determine whether meeting in-person during the state of emergency would pose imminent risk to the health or safety of attendees. At that remote meeting, a local agency may determine by majority vote that sufficient risks exist to the health or safety of attendees as a result of the emergency and pass a resolution to that effect. These criteria also permit a local agency to meet remotely in the event that there is a state of emergency declaration while state or local officials have recommended or required measures to promote social distancing.

If a local agency passes a resolution by majority vote that meeting in-person during the state of emergency would present imminent risks to the health or safety of attendees, the resolution would permit meeting under the provisions of AB 361 for a maximum period of 30 days. After 30



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days, the local agency would need to renew its resolution, consistent with the requirements of AB 361, if the agency desires to continue meeting under the modified Brown Act requirements, or allow the resolution to lapse.

Important Note: Consider referencing [the initial sample resolution linked on this page \(click here\)](#) in crafting your agency's initial resolution effecting the transition to these modified Brown Act requirements. While this sample resolution is provided for the benefit of local agencies, consult your legal counsel to review your agency's resolution before its consideration at a public meeting.

After 30 days, a local agency is required to renew its resolution effecting the transition to the modified Brown Act requirements if it desires to continue meeting under those modified requirements.

Importantly, the ability to renew the resolution is subject to certain requirements and conditions. In order to renew the resolution, a local agency must:

- 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

AB 361 requires that the renewal of the resolution effecting the transition to the modified Brown Act requirements must be based on findings that the state of emergency declaration remains active, the local agency has thoughtfully reconsidered the circumstances of the state of emergency, and the local agency has either identified A) ongoing, direct impacts to the ability to meet safely in-person or B) active social distancing measures as directed by relevant state or local officials.

Important Note: Consider referencing [the subsequent adoption sample resolution linked on this page \(click here\)](#) in crafting your agency's renewal resolution renewing the transition to these modified Brown Act requirements. While this sample resolution is provided for the benefit of local agencies, consult your legal counsel to review your agency's resolution before its consideration at a public meeting.

Important Note: If your agency does not meet again before the 30 day period during which the resolution remains active, the resolution will lapse for lack of action by the agency. After a resolution has lapsed, if the agency seeks to meet remotely again under the modified Brown Act requirements, it must pass a new initial resolution effecting the transition to the modified Brown Act requirements, subject to the same substantive and procedural requirements as before.



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AB 361 PROCESS: AN EXECUTIVE SUMMARY

1. An emergency situation arises. The specific nature of the emergency produces an imminent risk to public health and safety.
2. A state of emergency is declared (pursuant to CA GOVT § 8625).
3. A local agency wishes to meet remotely via teleconferencing as a result of the emergency. A meeting notice/agenda are produced and posted, with an agenda item dedicated to consideration of a resolution to transition to teleconferenced meetings consistent with the terms of CA GOVT § 54953, subdivision (e). For this meeting, the modified Brown Act requirements apply (e.g., meeting notices/agendas do not need to be posted at all teleconference locations).
4. A resolution is passed consistent with the terms of CA GOVT § 54953, subdivision (e), paragraph (1), subparagraph (B) (i.e., a resolution passed by majority vote determining that meeting in person would present imminent risks to the health or safety of attendees).¹ This resolution is valid for 30 days.
5. 30 days later: if the state of emergency remains active, a local agency may act to renew its resolution effecting the transition to teleconferenced meetings by passing another resolution, consistent with the terms of CA GOVT § 54953, subdivision (e), paragraph (3) (i.e., a resolution which includes findings that legislative body has both 1) reconsidered the circumstances of the state of emergency, and 2) the state of emergency continues to directly impact the ability of the members to meet safely in person.²

¹ Alternatively, in lieu of a resolution finding that meeting in person would present imminent risks to the health or safety of attendees, a local agency may use modified Brown Act procedures when state/local officials recommend/require measures to promote social distancing.

² Should state/local officials continue to impose or recommend measures to promote social distancing, this may instead be used as a basis for renewing a resolution (as opposed to the fact that the state of emergency continues to directly impact the ability of the members to meet safely in person).

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