

***Mendocino County Russian River Flood Control &
Water Conservation Improvement District***

STAFF REPORT

To: Board of Trustees
From: E. Salomone, General Manager
Meeting: Monday, December 5, 2022
RE: Agenda Item 6: 2022 Regular Meeting Schedule

Election of Board Officers, Appointment of JPA Representatives, and Assignments of Advisory & Liaison Positions (See **Attachment 1**: Worksheet for Assignments.)

District Policies state the President, Vice President, and Treasurer of the Board shall be elected annually at the last regular meeting of each calendar year with terms commencing January 1, of the year immediately following the election. There are no term limits for Officers.

The District belongs to the following Joint Power Agencies:

- Mendocino County Inland Water & Power Commission (MCIWPC)
- Ukiah Valley Basin Groundwater Sustainability Agency (UVGSA)

The District Board assigns Trustees to serve in advisory roles to the GM for the following areas (See **Attachment 2** for description of duties):

- Operations
- Finance and Audit
- Personnel and Organization
- Public Information and Government Activities
- Policy

The District Board assigns Trustees to serve in liaison roles to the following:

- Calpella County Water District
- City of Ukiah
- Hopland Public Utility District
- Millview County Water District
- Redwood Valley County Water District
- Upper Russian River Water Agency (URRWA)
- Willow County Water District
- Others to consider: Board of Supervisors, Sonoma Water, Resource Conservation District, Water Boards

Recommendation:

- Move to approve individual Trustees to the officer positions of President, Vice President, and Treasurer.
- Assign Trustees to Regular and Alternate seats on the above JPAs, advisory roles, and to the listed (and any additional) liaison positions.

Attachments:

1. Worksheet for Assignments
2. Descriptions of Advisory Roles

(Continued....)

Remote and Hybrid Meetings

In October 2022, CA Governor announced that the COVID-19 related state of emergency proclaimed in March 2020 will come to an end, terminating at the end of February 2023. With the state of emergency ending, the current initiative relying on the active state of emergency to hold remote teleconferenced public Board meetings will end

Agencies conducting meetings under the Brown Act will have the choice to return to pre-COVID Brown Act meeting rules or follow the new Brown Act provisions under AB 2449, which allow for limited remote meeting capabilities for elected officials. Below is a brief summary of the key components of AB 2449. (See **Attachment 3** for detailed summary by Legal Counsel.):

1. Provides an option for local agency members to continue utilizing teleconferencing under specified circumstances, even when a state of emergency does not exist.
2. Contains several guardrails which limit the scope of the bill:
 - a) A quorum of the board must be present in person
 - b) The in-person location must be open to the public
 - c) The public must be provided the option to participate via teleconference
 - d) Board member(s) choosing to teleconference must make a request and receive approval from the governing body to do so; limited to no more than two meetings per calendar year
 - e) Teleconferencing members must participate through both audio and video technology.
3. Remote locations do not need agendas posted nor be accessible to the public.
4. Board Member may not teleconference for a period of more than three consecutive months or 20% of regular meetings, for reasons pertaining to emergency circumstances, illness, or official State or legislative body related travel.

This District Board is required to begin meeting in person no later than March 2023. If a hybrid option is preferred, provisions will need to be made at the new office location: 304 N. State Street, Ukiah, CA 95492 or an alternative location arranged.

Recommendation:

- Provide feedback and/or direction to GM on future Board meetings as in-person only or remote.

Attachment:

3. Brown Act Legislative Changes for Remote Meetings by Herum\Crabtree\Suntag

Board Meeting Schedule

The Board of Trustees meets once a month on the first Monday of the month at 5:30pm. However, four meetings are proposed for alternative dates, as shown below and on **Attachment 4**.

<u>Board Meetings:</u>
Monday, January 9, 2023 *
Monday, February 6, 2023
Monday, March 6, 2023 (BEGIN IN-PERSON MTGS)
Monday, April 3, 2023
Monday, May 1, 2023
Monday, June 5, 2023
Monday July 3, 2023 (Consider postponing one week)
Monday, August 7, 2023
Monday, September 11, 2023 *
Monday, October 9, 2023 *
Monday, November 6, 2023
Monday, December 11, 2023 *

*2nd Monday of the month

Recommendation:

- Move to approve the proposed 2023 Regular Meeting Schedule.

Attachment:

4. 2023 Regular Meeting and District Closure Schedule

ATTACHMENT 1: WORKSHEET FOR ASSIGNMENT

	Bailey	Reardan	Rodrigue	Watt	White
OFFICERS:					
President					
Vice President					
Treasurer					

JPs:					
MC IWPC					
UVB GSA					

ADVISORY:					
Engineering					
Audit & Finance					
Personnel					
Public Information & Gov Affairs					
Policy					

LIAISON					
Calpella CWD					
City of Ukiah					
Hopland PUD					
Millview CWD					
Redwood Valley CWD					
URRWA					
Willow CWD					

ATTACHMENT 2: DESCRIPTIONS OF ADVISORY ROLES

Advisors may be assigned to review District functions, activities, and operations pertaining to their designated concerns, as specified below. Said assignment may be made by the Board President or a majority vote of the Board.

Operations Advisor: To study, advise, and make recommendations with regard to:

- a) Uniform Water Sale and Purchase Agreement
- b) Sales of surplus water
- c) New customer applications for water purchase
- d) Uniform and Surplus Water Rates
- e) Employment of engineering and geological consultants.
- f) Guidelines for modifying Uniform Agreement due to customer requested changes in amount of water and irrigable acres.
- g) Policies and rules regarding operational or engineering matters, in accordance with Policy 13-2 "Regarding Formalities of Board Policy."
- h) Recommend contracts.
- i) Make inspection trips of District facilities as needed.
- j) Address any legal matters affecting the District within the Advisor's area of interest.

Finance and Audit Advisor: To study, advise, and make recommendations with regard to:

- a) Preparation of annual budget.
- b) Sale of bonds and borrowing and repayment of money.
- c) Disposition and investment of reserve funds.
- d) Authorization of appropriations.
- e) Levying of taxes.
- f) Insurance to be carried.
- g) Reports of Auditors and financial statements.
- h) Employment of financial or insurance consultants.
- i) Form and contents of accounts, financial reports, and financial statements.
- j) Employment of auditors at any time and for general or special audits.
- k) Contents of auditors' periodic and annual reports.
- l) Audit of monthly expenditures.
- m) Policies and rules relating to budget, financing, audits or insurance in accordance with Policy 13-2 "Regarding Formalities of Board Policy".
- n) Any legal matters affecting the District within the Advisor's area of interest.

Personnel and Organization Advisor: To study, advise, and make recommendations with regard to:

- a) The form of the District's organization and the flow of authority and responsibility.
- b) Periodic reviews and studies of the organization, the classification of positions, job duties, salaries and salary ranges; and prepare and submit annual recommendations for employee salaries and benefits to the Finance Advisor for consideration in budget preparation.
- c) Relations between the District and its employees including all matters affecting wages, hours, pension plans and other employee benefits, and other terms and conditions of employment matters included within the employee relations resolution.
- d) Areas of special concern to the District and its employees, including, but not limited to, equal employment opportunity, affirmative action, and the health and safety of employees.
- e) Policies and rules regarding the employment, discipline and discharge of District officers and employees in accordance with Policy 13-2 "Regarding Formalities of Board Policy".
- f) Individuals to serve in positions requiring Board approval, i.e. General Manager; Assistant General Manager, General Counsel; Controller and Treasurer.
- g) Any legal matters affecting the District within the Advisor's area of interest.
- h) Other matters related to the above.

Public and Government Activities Advisor: To study, advise, and make recommendations with regard to:

- a) Policies and practices and means of disseminating District information in accordance with Policy 13-2 “Regarding Formalities of Board Policy”
- b) Copy or content of District public information projects.
- c) Selection and compensation of public information consultants.
- d) Budget allocations for public information.
- e) Proposed legislation to be introduced by District.
- f) District position regarding support or opposition of legislation.
- g) District relationships with other governmental agencies or bodies.
- h) Annexations, reorganizations and other matters for consideration by LAFCo.
- i) Other matters related to or involving other governmental and/or regulatory agencies.
- j) Any legal matters affecting the District within the Advisors area of interest.

Policy Advisor: To study, advise, and make recommendations with regard to:

- a) Consistency and relevance of existing policies.
- b) Alignment of District practices with District policies.
- c) Identifying need for new or revised policies and referring these to the appropriate committee.
- d) Any legal matters affecting the District within the Advisors area of interest.

ATTACHMENT 3: Summary of AB 2449 Requirements



BROWN ACT LEGISLATIVE CHANGES FOR REMOTE MEETINGS

Changes to the Brown Act in Response to the COVID-19 Emergency

As you know, in 2020, Executive Order N-29-20 suspended certain public meeting requirements of the Brown Act, and authorized local legislative bodies to hold public meetings through teleconferencing without complying with traditional notice and accessibility requirements. AB 361 extended the relaxed Brown Act teleconference rules for public meetings through December 31, 2023.

AB 2449 Changes

Effective January 1, 2023, AB 2449 provides a new method for less than a majority of the board to attend a meeting via teleconference under certain conditions when the majority (a quorum) of the legislative body participates from a single physical location open to the public.

To take advantage of this new opportunity, the legislative body must provide either a “two-way audiovisual platform” or a “two-way telephonic service and a live webcasting of the meeting” as a means by which the public may remotely hear and visually observe the meeting, and remotely address the legislative body.” (Gov. Code, § 54953(f)(1)(A).)

Agendas must include an opportunity for all persons to attend and address the legislative body directly “via a call-in option, via an internet-based service option, and at the in-person location of the meeting.” (Gov. Code, § 54953(f)(1)(C).)¹

A member of the legislative body is authorized to participate remotely pursuant to Government Code section 54953(f) under only two specific circumstances:

1. **Just Cause:** The member notifies the legislative body at the earliest possible opportunity, including at the start of a regular meeting, of their need to participate remotely for just cause, including a general description of the circumstances relating to their need to appear remotely at the given meeting. A member of the legislative body may not use the provisions of this clause for more than two meetings per calendar year. “**Just Cause**” is defined as any of the following circumstances:
 - a. A childcare or caregiving need of a child, parent, grandparent, grandchild, sibling, spouse, or domestic partner that requires them to participate remotely;
 - b. A contagious illness that prevents a member from attending in person;
 - c. A need related to a physical or mental disability; or
 - d. Travel while on official business of the legislative body or another state or local agency.

¹ If there is a disruption that prevents the legislative body from broadcasting the meeting to members of the public using the call-in option or internet-based service option, the legislative body cannot take any “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.” (Gov. Code, § 54953(f)(1)(D).) Actions taking during a disruption are subject to challenge.

2. **Emergency Circumstances:** The member requests the legislative body to allow them to participate in the meeting remotely due to emergency circumstances and the legislative body takes action to approve the request. "Emergency circumstances" means a physical or family medical emergency that prevents a member from attending in person. The legislative body must request a general description of the circumstances relating to their need to appear remotely at the given meeting. A general description of an item generally need not exceed 20 words and does not require the member to disclose any medical diagnoses or disability, or any personal medical information that is already exempt under existing law. For the purposes of this clause, the following requirements apply:

- a. A member must make a request to participate remotely at a meeting pursuant to this clause as soon as possible. The member must make a separate request for each meeting in which they seek to participate remotely.
- b. The legislative body may take action on a request to participate remotely at the earliest opportunity. If the request does not allow sufficient time to place proposed action on such a request on the posted agenda for the meeting of which the request is made, the legislative body may take action by majority vote on the emergency circumstances request at the beginning of the meeting.

Any member participating remotely because of just cause or emergency circumstances must publicly disclose at the meeting before any action is taken, whether any other individuals 18 years of age or older are present in the room at the remote location with the member, and the general nature of the member's relationship with any such individuals. In addition, the member must participate through both audio and visual technology. The provisions of Government Code section 54953(f) do not permit a member to participate solely via teleconference for a period more than three consecutive months or 20 percent of the regular meetings for the local agency within a calendar year.

Conclusion:

- From January 1, 2023 through the earlier of December 31, 2023, or if and when the Governor lifts the proclaimed state of emergency due to the COVID-19 pandemic, the board can continue to follow the rules of AB 361 that it is following now.
- From January 1, 2023 until it expires on December 31, 2025, the board has the option of following the new provisions of AB 2449.

District Closed:

Jan 02	New Year's Day Observed
Jan 16	Dr. M Luther King Day
Feb 20	Presidents' Day
Mar 31	Cesar Chaves Day
May 29	Memorial Day
June 19	Juneteenth
Jul 04	Independence Day
Sep 04	Labor Day
Nov 10	Indigenous Peoples' Day
Nov 23	Thanksgiving Day
Nov 24	Day After Thanksgiving
Nov 27-Dec 1:	ACWA Conference
Dec 22	Christmas Eve Observed
Dec 25	Christmas Day

Board Meetings:

Monday, January 9, 2023 *
Monday, February 6, 2023
Monday, March 6, 2023 <i>begin in-person</i>
Monday, April 3, 2023
Monday, May 1, 2023
Monday, June 5, 2023
Monday July 3, 2023 <i>consider reschedule</i>
Monday, August 7, 2023
Monday, September 11, 2023 *
Monday, October 9, 2023 *
Monday, November 6, 2023
Monday, December 11, 2023 *

*2nd Monday of the month

DRAFT

2023

January

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December

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