

RESOLUTION NO. 22-05

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE
WEST CONTRA COSTA INTEGRATED WASTE MANAGEMENT AUTHORITY
AUTHORIZING TELECONFERENCE MEETINGS PURSUANT TO ASSEMBLY BILL
361 EFFECTIVE MAY 25, 2022 THROUGH JUNE 24, 2022.**

WHEREAS, on March 4, 2020, Governor Gavin Newsom proclaimed the existence of a state of emergency in California under the California Emergency Services Act, Government Code section 8550 et seq. (Declaration); and

WHEREAS, on March 17, 2020, Governor Gavin Newsom issued Executive order N- 29-20 (Executive Order), which suspended the teleconferencing rules set forth in California Open Meeting law, the Ralph M. Brown Act (California Government Code §§ 54950 – 54963), provided certain requirements were met and followed; and

WHEREAS, on June 11, 2021, Governor Gavin Newsom issued Executive Order N-08-21, which clarified the suspension of the teleconferencing rules set forth in the Ralph M. Brown Act and further provided that those provisions would remain suspended through September 30, 2021; and

WHEREAS, on September 16, 2021, Governor Gavin Newsom signed Assembly Bill 361, which provides that under Government Code section 54953(e), a legislation body subject to the Ralph M. Brown Act may continue to meet using teleconferencing without complying with the non-emergency teleconferencing rules in Government Code section 54953(b)(3) if a proclaimed state of emergency exists and state or local officials have imposed or recommended measures to promote social distancing; and

WHEREAS, the recently emerged various Omicron Variants of COVID-19 has been more virulent and can infect the fully vaccinated; and

WHEREAS, in the interest of public health and safety, as affected by the emergency caused by the spread of COVID-19, RecycleMore intends to utilize the provisions of Assembly Bill 361 related to teleconferencing in the manner authorized by Government Code § 54953(e), and such legislative body shall comply with the requirements to provide the public with access to the meetings as prescribed in Government Code § 54953(e)(2); and

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the West Contra Costa Integrated Waste Management Authority as follows:

1. The Recitals set forth above are true and correct and are incorporated herein by reference.
2. In compliance with AB 361 (2021), intends to conduct teleconference meetings without complying with the usual teleconference meeting requirements of the Ralph M. Brown Act, the Board of Directors makes the following findings:

a. The Board of Directors has considered the circumstances of the state of emergency; and

b. The state of emergency, as declared by the Governor, continues to directly impact the ability of the Board of Directors, including RecycleMore's legislative bodies and staff, as well as staff and members of the public, from meeting safely in person; and

c. According to the CDC website¹, the Current CDC guidelines recommends use of COVID-19 Community Levels to determine the impact of COVID-19 on communities and take action.

d. As of May 13th, 2022 twelve Bay Area health officers are stressing the importance of taking safety precautions, including continued masking indoors, as the region experiences a new swell of COVID cases and hospitalizations². The Bay Area now has California's highest COVID infection rates. The current wave is fueled by highly contagious Omicron subvariants. Although not required, masking is strongly recommended by the California Department of Public Health [cdph.ca.gov] for most public indoor settings.

e. As a result of the presence of COVID-19 Omicron Variants, meeting in person would present imminent risks to the health or safety of attendees, the legislative bodies, and staff.

3. The Board of Directors may meet remotely in compliance with AB 361, in order to better ensure the health and safety of the public and staff in accordance with the provisions of Government Code section 54953(e).

4. The Board of Directors will revisit the need to conduct meetings remotely by or before June 25, 2022.

5. Staff is authorized and directed to take all actions necessary to implement the intent and purpose of this resolution, including conducting open and public meetings in accordance with Government Code section 54953(e) and all other application provisions of the Ralph M. Brown Act; and

6. Staff is directed to return no later than 30 days after this resolution is adopted with an item for the Board of Directors of the West Contra Costa Integrated Waste Management Authority to consider whether to continue meeting under the provisions of Assembly Bill 361.

¹ "CDC Covid Data Tracker." Centers for Disease Control and Prevention. Centers for Disease Control and Prevention, May 20, 2022. <https://covid.cdc.gov/covid-data-tracker/#datatracker-home>.

² "Media Release." Bay Area Health Officers Urge Public to Take Precautions as COVID Levels Rise :: Press Releases :: Contra Costa Health Services. Contra Costa Health Services, May 13, 2022. <https://cchealth.org/press-releases/2022/0513-BA-Health-Officers-Public-Precautions.php>.

ATTEST:

CHAIR OF THE BOARD:

Donald W. Sturman May 26, 2022

Dan Romero May 27, 2022

[Dan Romero \(May 27, 2022 11:50 PDT\)](#)

Donald W. Sturman – Board Secretary Date

Dan Romero, Board Chair Date

I hereby certify that the foregoing resolution was adopted by the Board of Directors of the West Contra Costa Integrated Waste Management Authority at its meeting of May 25, 2022, by the following vote:

AYES: Directors: Romero, Rudnick, Mclaughlin, Tave, Pineda

NOES: Directors: None

ABSENT: Directors: Bates, Willis

Donald W. Sturman

Donald W. Sturman, Board Secretary

5025139.1

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Final Audit Report

2022-05-27

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