

RESOLUTION NO. 21/22-18

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE BEAR VALLEY COMMUNITY SERVICES DISTRICT AUTHORIZING THE CONTINUED USE OF TELECONFERENCE ACCESSIBILITY PROCEDURES FOR CONDUCTING PUBLIC MEETINGS PURSUANT TO ASSEMBLY BILL 361

The Board of Directors of the Bear Valley Community Services District resolves as follows:

SECTION 1. Findings. The Board finds as follows:

A. On October 14, 2021, the Board of Directors adopted Resolution No. 21/22-13, which authorized the use of emergency teleconference accessibility procedures for conducting public meetings pursuant to Assembly Bill (AB) 361, which amended Government Code section 54953 to establish such procedures.

B. The findings set forth in Resolution No. 21/22-13 are incorporated by this reference.

C. Under AB 361, the emergency use of teleconference accessibility procedures for conducting public meetings is only valid for a period of 30 days from the adoption of a resolution making findings that support the use of these teleconference procedures.

D. On November 10, 2021, the Board of Directors adopted Resolution No. 21/22-15 which authorized the continued use of emergency teleconference accessibility procedures for 30 days as required AB 361.

E. As the emergency conditions which led the Board to adopt Resolution No 21/22-13 and 21/22-15 still exist, the Board desires to extend the authorization to use the teleconference accessibility procedures for conducting public meetings under Government Code section 54953(e) for an additional 30-day period from the effective date of this Resolution.

SECTION 2. Continued Local Emergency. The Board hereby finds that a state and local state of emergency as a result of the threat of COVID-19 still exists and continues to impact the ability of members of the public, the Board, Board committees, District staff, and consultants to meet safely in person.

SECTION 3. Continued State, County and Local Health and Safety Measures. The State of California, the County of Kern, and the District continue to follow health and safety measures in response to COVID-19 as ordered or recommended by the Centers for Disease Control and Prevention (CDC), California Department of Public Health (DPH), and the Kern County Public Health Services Department, as applicable, including facial coverings when required and social distancing.

SECTION 4. Authorization to Use Modified Teleconferencing Accessibility under AB 361. The Board declares that pursuant to the findings set forth in this Resolution that the General Manager is authorized and directed to utilize teleconferencing to conduct public meetings pursuant to Government Code section 54953, as amended by AB 361. Accordingly, any "legislative body" of the District, including the Board of Directors and its standing committees, may continue to meet by teleconference in accordance with modified teleconference accessibility procedures set forth in Government Code section 54953(e).

SECTION 5. Severability. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Resolution is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision will not affect the validity of the remaining portions of this Resolution. The Board hereby declares that it would have adopted this Resolution and each and every section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared unconstitutional.

SECTION 6. Effective Dates. This Resolution takes effect immediately upon its adoption, and will continue in effect until the earlier of: (a) 30 days from the date of adoption of this Resolution; (b) such time the Board adopts a subsequent resolution in accordance with Government Code section 54953(e)(3) to extend the use of the modified teleconferencing accessibility procedures for another 30-day period; or (c) such time the Board decides to rescind such resolution(s).

PASSED, APPROVED AND ADOPTED on December 9, 2021 by the following vote:

AYES:	Carlyn, Grace, Jensen, Quinn, Hahn
NOES:	None
ABSENT:	None
ABSTAIN:	None



Gregory Hahn, President

ATTEST:

I hereby certify that the above Resolution No. 21/22-18 was duly adopted by the District at a regularly noticed meeting held on December 9, 2021.



Kristy McEwen, Board Secretary