

RESOLUTION OF THE SUBREGIONAL TECHNICAL ADVISORY COMMITTEE
FINDING PROCLAIMED STATE OF EMERGENCY AND THAT MEETING IN PERSON
WOULD PRESENT IMMINENT RISKS TO THE HEALTH OR SAFETY OF ATTENDEES,
AND AUTHORIZING MEETINGS BY TELECONFERENCE OF LEGISLATIVE BODIES

WHEREAS, on April 3, 1975, the City of Santa Rosa and the Cities of Rohnert Park, and Sebastopol, and the South Park County Sanitation District (User Agencies) executed the Agreement Between City of Santa Rosa and City of Rohnert Park, City of Sebastopol and South Park County Sanitation District For Use of Santa Rosa Subregional Sewerage System (Subregional Agreement); and

WHEREAS, there have been several subsequent amendments to the Subregional Agreement, including a third amendment executed on December 1, 1994 regarding segregation of treatment plant capacity between the Cities of Rohnert Park and Cotati and designating City of Cotati as a User Agency; and

WHEREAS, the Subregional Agreement as executed and subsequently amended created the Technical Advisory Committee (Sub TAC), comprised of one member for each User Agency and a member of the City of Santa Rosa; and

WHEREAS, the purpose of the SubTAC is to consider and make recommendations regarding the Subregional System to advise the City of Santa Rosa, Board of Public Utilities and the governing bodies of the User Agencies; and

WHEREAS, all meetings of the SubTAC are open and public, as required by the Ralph M. Brown Act, Government Code Section 54950, et seq, and any member of the public may observe, attend, and participate in the business of such legislative bodies; and

WHEREAS, on March 4, 2020, Governor Newsom declared a State of Emergency as a result of the rapid spread of the novel coronavirus disease 2019 (“COVID-19”); and

WHEREAS, on March 17, 2020, in response to the COVID-19 pandemic, Governor Newsom issued Executive Order N-29-20 suspending certain provisions of the Ralph M. Brown Act (“Brown Act”) in order to allow local legislative bodies to conduct meetings without strict compliance with the teleconferencing provisions of the Brown Act, after which the SubTAC implemented wholly virtual meetings for all of its meetings; and

WHEREAS, on June 11, 2021, Governor Newsom issued Executive Order N-08-21, which terminated the provisions of Executive Order N-29-20 establishing special Brown Act requirements for telephonic meetings effective September 30, 2021; and

WHEREAS, on September 16, 2021, Governor Newsom signed Assembly Bill 361 (2021) (“AB 361”), which amended the Brown Act to allow local legislative bodies to continue to conduct meetings by teleconference under specified conditions and pursuant to special rules on notice, attendance, and other matters; and

WHEREAS, AB 361 took full effect on October 1, 2021 and requires the SubTAC to make specific findings to continue meeting under special teleconference rules; and

WHEREAS, in addition to finding the Governor has declared a State of Emergency pursuant to Government Code section 8625, such findings include that state or local officials have imposed or recommended measures to promote physical distancing, or, in the

alternative, that the legislative body determines that meeting in person would present imminent risks to the health and safety of attendees; and

WHEREAS, Governor Newsom has declared a State of Emergency due to COVID-19, state and local officials have imposed or recommended measures to promote physical distancing, and the SubTAC has determined that meeting in person would present imminent risks to the health and safety of attendees, including members of the public and SubTAC members; and

WHEREAS, the Centers for Disease Control and Prevention (“CDC”) and Sonoma County continue to recommend physical distancing of at least six feet from others outside of the household; and

WHEREAS, Title 8, Section 3205, subdivision (c)(5)(D) of the California Code of Regulations, promulgated by the Division of Occupational Safety and Health of the California Department of Industrial Relations (“Cal/OSHA”), requires employers to provide instruction to employees on using a combination of “physical distancing, face coverings, increased ventilation indoors, and respiratory protection” to decrease the spread of COVID-19; and

WHEREAS, “Protecting Workers: Guidance on Mitigating and Preventing the Spread of COVID-19 in the Workplace,” promulgated by the Occupational Safety and Health Administration (“OSHA”) under the United States Department of Labor, provides that “[m]aintaining physical distancing at the workplace for [unvaccinated and at-risk] workers is an important control to limit the spread of COVID-19” and recommends that employers train employees about the airborne nature of COVID-19 and importance of exercising multiple layers of safety measures, including physical distancing, and that employers implement “physical distancing in all communal work areas for unvaccinated and otherwise at-risk workers,” including physical distancing from members of the public, as a “key way to protect such workers”; and

WHEREAS, the SubTAC recognizes the recommendations by state and local officials to use physical distancing as a layer of protection against COVID-19 and desires to continue to provide a safe workplace for its members and a safe environment for the open and public meetings of the SubTAC; and

WHEREAS, the SubTAC hereby finds that the presence of COVID-19 and the increase of cases due to the Omicron variant would present imminent risks to the health or safety of attendees, including members of the public and SubTAC members, should meetings of the SubTAC be held in person; and

WHEREAS, the SubTAC members shall ensure TAC meetings comply with the special teleconference rules under the Brown Act, as amended by Assembly Bill 361.

NOW, THEREFORE, BE IT RESOLVED that the Subregional Technical Advisory Committee finds the above recitals are true and correct and hereby incorporated into this Resolution.

BE IT FURTHER RESOLVED that in compliance with the special teleconference rules of Section 54953 of the Government Code, as established by Assembly Bill 361 (2021), the Subregional Technical Advisory Committee makes the following findings:

1. The SubTAC has considered the circumstances of the state of emergency; and
2. The state of emergency, as declared by the Governor, continues to impact directly the ability of the SubTAC members and members of the public, to safely meet in person; and
3. The CDC, Cal/OSHA, and OSHA continue to recommend physical distancing of at least six feet to protect against transmission of COVID-19; and
4. Meeting in person would present imminent risks to the health and safety of members of the public, and SubTAC members due to the continued presence and threat of COVID-19.

BE IT FURTHER RESOLVED that the Subregional Technical Advisory Committee may continue to meet remotely in compliance with the special teleconference rules of Section 54953 of the Government Code, as amended by Assembly Bill 361 (2021), in order to protect the health and safety of the public.

BE IT FURTHER RESOLVED that Subregional Technical Advisory Committee will review these findings and the need to conduct meetings by teleconference pursuant to the special teleconference rules established by AB 361 at subsequent Subregional Technical Advisory Committee meetings.

DULY AND REGULARLY ADOPTED this 10th day of February, 2022.

AYES: (5) City of Santa Rosa, City of Cotati, City of Rohnert Park, City of Sebastopol and Sonoma Water

NOES: (0)

ABSENT: (0)

ABSTAIN: (0)