



FAIRFIELD-SUISUN SEWER DISTRICT

1010 Chadbourne Road • Fairfield, California 94534 • (707) 429-8930 • www.fssd.com

Executive Committee Meeting Agenda

Meeting Date: October 18, 2021
Meeting Place: 1010 Chadbourne Road
Fairfield, California
(Board Meeting Room)

Meeting Time: 4:30 p.m.

EXECUTIVE COMMITTEE
LORI WILSON, PRESIDENT
CHUCK TIMM, VICE PRESIDENT
HARRY PRICE
WANDA WILLIAMS

- 1. Roll Call
- 2. Public Comments

Page

- 3. General Manager Report

4. **Discussion Items:**

- (a) Receive Report on Fairfield-Suisun Collection System Asset Management Plan2
- (b) Resolution No. 2021-14 Authorizing the General Manager to Execute and Deliver a Joint Community Facilities Agreement in Connection with the Bond Opportunities for Land Development (BOLD) Program.....4
- (c) Adopt Plans and Specification for Primary Clarifier Rehabilitation No. 2 and 4 Project and Authorize District Engineer to Award and Execute Construction Contract..... 14
- (d) Adopt Resolution No. 2021-13 Authorizing Public Meetings to be held via Teleconference..... 15
- (e) Adopt Resolution No. 2021-15 2022 Board of Directors Meeting Schedule33

5. **Action Items:**

- (a) Approve the October 25, 2021 Board of Directors Agenda35

6. **Information Items:**

- (a) Monthly Operating Summary36
- (b) Connection Fee Chart37
- (c) Draft Board Minutes of September 27, 202138
- (d) Quarterly Investment Report.....40
- (e) Board Calendar42

7. **Closed Session:**

- (a) Gov. Code Section 54957: Public Employee Performance Evaluation –
Title: General Manager

--End of Agenda--

The Fairfield-Suisun Sewer District will provide reasonable disability-related modification or accommodation to a person with a disability who requires a modification or accommodation in order to participate in the meeting of the Board of Directors. Please contact us at (707) 429-8930 at least 48 hours before the meeting if you require such modification or accommodation.

Documents that are disclosable public records required to be made available under California Government Code Section 54957.5 (b) (1) and (2) are available to the public for inspection at no charge during business hours at our administrative offices located at the above address.

Members of the public may speak on any matter within the jurisdiction of the Fairfield-Suisun Sewer District by identifying themselves at the beginning of the meeting. Comments not listed on the agenda will be taken under Public Comments. Comments on matters appearing on the agenda will be taken during consideration of the item.



FAIRFIELD-SUISUN SEWER DISTRICT

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October 13, 2021

PE-2004

MEMORANDUM

TO: Executive Committee

FROM: Jordan Damerel, District Engineer

SUBJECT: Update on Collection System Asset Management Planning Project

Recommendation: Receive report and provide feedback to staff.

Background: In October 2020, the Board of Directors awarded a professional services agreement to Carollo Engineers for development of a Collection System Asset Management Plan (CSAMP). The scope of work included evaluating all collection system assets owned by the District, City of Fairfield, and City of Suisun City. Specifically, the evaluation entailed calculating the remaining useful life for every asset, determining the long-term funding needed to support both routine operation and maintenance (O&M) and end-of-life rehabilitation and/or replacement (R&R) of those assets, and developing a short-term Capital Improvement Program for each agency to address known deficiencies. The results of the funding analysis will then be provided to the District's rate study consultant, who is under contract to determine the revenue requirements to support the District's operational and capital needs.

At the Board Workshop in June 2021, District staff provided an update on the CSAMP project, detailed the assets, ages, and expected replacement dates for the Fairfield-Suisun Collection System, and introduced how this data would be used in the rate-setting analysis. Since the workshop, District staff and Carollo Engineers have been determining potential funding scenarios and building a financial model to ensure that all three agencies are adequately funded for O&M and R&R of their assets.

Discussion: There are two subjects for discussion at this stage in the CSAMP project: funding requirements and reimbursement procedures.

Funding Requirements

The analysis of the remaining useful life for all collection system assets has identified several assumptions that have a potentially significant impact on the calculation of funding requirements. These assumptions include:

- **Funding trigger:** Does R&R occur at the end of the design life, at the end of the revised design life after factoring in CCTV data, or using a hybrid model to account for unknowns?
- **Annual leveling:** Looking at future collection system expenditures, over what timeframe do we average R&R expenditures?

Reimbursement Procedures

At the Board of Directors Workshop on June 28, 2021, staff sought guidance on where the Fairfield-Suisun Collection System funds might be reserved and how those funds might be accessed by all three agencies. The following are some potential criteria for accessing R&R funding:

- The collected R&R funding will be kept in separate reserve funds at the District.
- All interest income from each reserve fund will be the property of that reserve fund.
- Prior to each District budget cycle, each agency will submit the project cost of their planned collection system R&R projects to the District. Those proposed costs will be approved by the Board of Directors as part of the District's budget review. The total project cost will include a flat administrative overhead percentage to cover staff costs, contracted services, and up to 10% contingency funds.
- Once approved by the Board of Directors, each agency may submit reimbursement requests to the District. District staff will remit the appropriate value to each agency up to the approved amount for each project.
- Any increase in the total project cost beyond the approved contingency must be brought back to the Board of Directors for approval.

A draft presentation will be presented at the Executive Board Meeting. At the Board of Directors meeting, District staff will present alternatives from the draft funding model to illustrate the range of funding requirements and will seek feedback from the Board on the proposed reimbursement criteria.

Fiscal Impact: Increasing funding for R&R of the Fairfield-Suisun Collection System will require an increase in revenue to support the work, but this project is still evaluating what those impacts will be. Funding alternatives will be included in the rate study analysis and options will be brought to the Board of Directors for consideration in early 2022.



FAIRFIELD-SUISUN SEWER DISTRICT

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October 13, 2021

MEMORANDUM

TO: Executive Committee

FROM: James Russell-Field, Director of Administrative Services

SUBJECT: Authorization to Execute and Deliver a Joint Community Facilities Agreement (JCFA) in Connection with the Bond Opportunities for Land Development (BOLD) Program

Recommendation: Approve Resolution 2021-14 Authorizing Execution and Delivery of a Joint Community Facilities Agreement in Connection with the Bond Opportunities for Land Development (BOLD) Program.

Background: The BOLD Program is a program offered by California Municipal Finance Authority (CMFA) to provide its members, and other local agencies in California, with a means to accommodate communities facility district (CFD) formation and financing within their jurisdictions. Formation of each CFD, administration of each CFD and bonding for each CFD is handled by CMFA.

Mello-Roos Districts. The Mello-Roos Community Facilities Act (Government Code 53311 et seq.), pursuant to which the CFDs would be formed and bonds would be issued, offers financing flexibility commonly used by cities, school districts and other local agencies throughout the State to generate funds for the payment of public facilities, including development fees for facilities. Although CFDs would be located within the District's jurisdiction, involvement of the District is flexible and is expected to be minimal. The BOLD Program offers developers the opportunity to finance public infrastructure, as well as impact fees associated with new development, through tax-exempt bonds payable from special taxes levied by CMFA on property within the CFD only, a typical financing method for new home developments in California. As noted above, CMFA is responsible for forming and administering the CFD.

CMFA and its Non-Profit Foundation. The CMFA is a joint powers authority formed to assist local governments, non-profit organizations, and businesses by promoting economic, cultural and community development, with the financing of economic development and charitable activities throughout California. To date, over 300 municipalities have become members of CMFA.

The Board of Directors of the California Foundation for Stronger Communities, a California non-profit public benefit corporation (the "Foundation"), acts as the Board of Directors for CMFA. Through its conduit issuance activities, CMFA shares a portion of the issuance fees it receives

Authorization to Execute and Deliver a Joint Community Facilities Agreement (JCFA) in Connection with the Bond Opportunities for Land Development (BOLD) Program
October 13, 2021
Page 2 of 2

with its member communities and donates a portion of these issuance fees to the Foundation for the support of local charities. Over \$20 million has been given back to municipalities and worthy California 501c3 non-profits thanks to CMFA fee sharing.

Since its formation in 2004, CMFA has been the issuer of over 900 series of bonds totaling over \$20 Billion.

CMFA Financing Team. The BOLD Program is facilitated through bond professionals chosen by CMFA with specialized expertise in CFD bond issuance and sales – bond counsel, underwriter and other advisors provided as needed, all ranked among the top firms in the field.

District Participation. Bonds are issued through CMFA, with no involvement of the District needed other than approving the use of the BOLD Program and, prior to actual issuance of bonds, entering into an agreement to acquire the public facilities or fees to be paid for with the bond proceeds (i.e., a “joint community facilities agreement” or “JCFA”). CMFA authorizes and issues the bonds in its name and awards its sale to the bond underwriter (Piper Sandler & Co.) per the underwriter’s credit requirements; CMFA’s financing team provides the bond documentation and the Official Statement through its legal counsel, Jones Hall.

The District is not liable to repay the bonds issued by CMFA or the special taxes imposed on the participating properties and has no contractual relationship with bond owners or the bond trustee.

Upon issuance of the bonds, proceeds are a funding source for direct payment of impact or mitigation fees or to otherwise reimburse developer costs for public facilities associated with new development. Once the bond issuance occurs, bond proceeds are available to be disbursed pursuant to the JCFA between CMFA and the District, the form of which is attached to the Resolution. The proceeds are held by a bond trustee or fiscal agent, and available to be disbursed as directed by the District for use on public capital improvements to be owned by the District.

If the resolution authorizing BOLD Program financing is approved by the Board, the General Manager would have authority to discuss particular requests for BOLD financing with developers within the District’s jurisdiction to ensure sufficient uses of Bond proceeds are available. No further Board action would be required.

Discussion: The BOLD Program creates a public benefit by providing developers cost-effective access to low interest, tax exempt financing related to the funding of public infrastructure. Bonds issued by the CMFA related to any JCFA under this resolution are limited to the District’s sewer connection fees.

Fiscal Impact: None. Costs and expenses related to the formation, issuance of bonds, and ongoing administration for any JCFA formed by the BOLD program is the responsibility of CFMA and there is no liability or fiscal impact on the District.

Attachment: Resolution No. 2021-14

FAIRFIELD-SUISUN SEWER DISTRICT
RESOLUTION NO. 2021-14

**RESOLUTION AUTHORIZING EXECUTION AND DELIVERY OF A JOINT
COMMUNITY FACILITIES AGREEMENT IN CONNECTION WITH THE BOND
OPPORTUNITIES FOR LAND DEVELOPMENT (BOLD) PROGRAM**

WHEREAS, the California Municipal Finance Authority (the “CMFA”) is a joint exercise of powers authority, the members of which include numerous cities, counties, and other local agencies in the State of California (the “State”), including the City of Fairfield and the City of Suisun City; and

WHEREAS, CMFA has established the Bond Opportunities for Land Development Program (the “BOLD Program”) to allow the financing through the levy of special taxes under the Mello-Roos Community Facilities Act of 1982, as amended (the “Act”) of certain public facilities and development impact fees that finance public facilities (together, the “Improvements”) to be owned by local agencies (“Participating Local Agencies”) in the State; and

WHEREAS, the City Council of the City of Fairfield and the City Council of the City of Suisun City has each adopted and approved of use of the BOLD Program with respect to development projects being undertaken in their respective jurisdictions; and

WHEREAS, under Section 53316.2 of the Act, CMFA may form a community facilities district (a “CFD”) to finance facilities to be owned or operated by a public agency other than CMFA pursuant to a joint community facilities agreement; and

WHEREAS, the District may be eligible to receive certain impact fees from development within the territory of the CFDs to be formed by CMFA through the BOLD Program; and

WHEREAS, the District desires to enter into a joint community facilities agreement with CMFA in connection with the use by developers of the BOLD Program within the boundaries or service area of the District.

NOW, THEREFORE, BE IT RESOLVED, BY THE BOARD OF DIRECTORS OF THE FAIRFIELD-SUISUN SEWER DISTRICT THAT:

1. The Board hereby approves the execution and delivery of a joint community facilities agreement (the “JCFA”), substantially in the form presented to the Board of Directors and attached hereto as Exhibit A, with such other changes as the General Manager or a designee (each, an “Authorized Officer”) may deem appropriate or necessary. Each Authorized Officer is authorized and directed to execute and deliver the JCFA, on behalf of the District, as necessary or appropriate in connection with development projects and CFDs formed within the territory of the District, and the Board of Directors finds and declares that entrance into the JCFA is beneficial to residents within the

District. Each Authorized Officer is hereby further authorized and delegated the ability to approve applications submitted by developers to the BOLD Program and evidence the District's official intent to reimburse itself for capital projects from tax-exempt bond proceeds issued by CMFA in connection with the BOLD Program.

2. This Resolution shall take effect immediately upon its adoption. The Clerk of the Board is hereby authorized and directed to transmit a certified copy of this resolution to the Secretary of CMFA.

PASSED AND ADOPTED this 25th day of October 2021, by the following vote:

AYES: Directors _____

NOES: Directors _____

ABSTAIN: Directors _____

ABSENT: Directors _____

President

ATTEST: _____
District Clerk

Exhibit A – Joint Community Facilities Agreement

CMFA BOLD PROGRAM

Joint Community Facilities Agreement

This Joint Community Facilities Agreement (this "Agreement"), dated as of October 25, 2021, by and between the CALIFORNIA MUNICIPAL FINANCE AUTHORITY, a joint exercise of powers authority duly organized and existing under the Constitution and laws of the state of California (the "CMFA"), and the Fairfield-Suisun Sewer District, a sanitary district organized and existing under the laws of the State of California (the "District," and together with CMFA, the "Parties").

WITNESSETH:

WHEREAS, CMFA has conducted, or intends to conduct, proceedings under the Mello-Roos Community Facilities Act of 1982 (California Government Code section 53311 et seq.) (the "Act") to form community facilities districts (each, a "CFD") to finance certain public facilities and development impact fees used for public facilities authorized to be financed under the Act (together, the "CFD Improvements") as part of its Bond Opportunities for Land Development ("BOLD") program;

WHEREAS, the CFD Improvements have or will be described in the resolution of formation for each CFD, including the impact fees payable to the District for public facilities that are set forth on Exhibit A hereto (collectively, the "District Improvements");

WHEREAS, CMFA intends to utilize the proceeds of sale of special tax bonds of the CFDs (the "Bonds") to finance some or all of the CFD Improvements, including the District Improvements;

WHEREAS, under Section 53316.2 of the Act, CMFA may form a CFD to, among other things, finance the District Improvements, provided CMFA and the District enter into a joint community facilities agreement such as this Agreement; and

WHEREAS, the District is willing to cooperate with CMFA in accomplishing the financing of the District Improvements, and to confer upon the CMFA full power to provide financing for the District Improvements in the event that proceeds of special taxes and/or bonds in the CFD become available and are utilized for such purpose;

WHEREAS, this Agreement is made under the authority of Section 53316.2 of the Act; and

WHEREAS, in consideration for the mutual undertakings of the Parties stated herein, the Parties agree as follows:

AGREEMENT:

1. Administration of CFD and Issuance of Bonds by CMFA. CMFA shall administer each CFD, including employing and paying all consultants, annually levying the special tax and paying and administering the Bonds, and complying with all state and federal requirements appertaining to the proceedings establishing the CFD and issuing and using the proceeds of the

Bonds, including the requirements of the United States Internal Revenue Code of 1986, as amended (the "Code"). The District shall have no responsibility for administering any CFD or issuing any Bonds for any CFD.

2. Agreement to Hold and Disburse Available Amounts. CMFA shall hold or cause to be held the special tax and/or Bond proceeds available for the payment of District Improvements ("Available Amounts"). Available Amounts shall be disbursed only in accordance with Section 3 of this Agreement.

3. Disbursements. Available Amounts shall be disbursed pursuant to written requisitions of the District, in substantially the form attached hereto as Exhibit B and executed by the General Manager of the District or a designee (each, an "Authorized Officer"). CMFA and its designees, including any trustee or fiscal agent holding Available Amounts, may conclusively rely on such requisitions for purposes of making such disbursements. All disbursements of Available Amounts to the District shall be made by wire transfer of immediately available funds or by check payable to the District's bank account number at a bank located within the United States on file with CMFA as part of the BOLD program, unless another method of payment is requested in writing by the District.

4. Use of Available Amounts for Public Capital Improvements. The District shall utilize Available Amounts for public capital improvements to be owned by the District. The public capital improvements to be constructed using Available Amounts will be set forth in requisitions submitted by the District in accordance with Section 3 above.

5. Amendments. This Agreement may be amended by a writing signed by the Parties, including to update Exhibit A to reflect additional or different impact fees and public facilities to be financed through the BOLD program.

6. Term of this Agreement. This Agreement shall be in full force and effect from this date to and including its termination by mutual written agreement of the parties hereto. CMFA agrees to terminate this agreement upon request of the District upon delivery to CMFA of an opinion Bond Counsel to the effect that the termination of this Agreement will not adversely affect the exclusion from gross income of interest on the Bonds for federal income tax purposes.

7. Counterparts. This Agreement may be executed in counterparts, each of which shall be deemed an original.

[Signatures on Following Page]

IN WITNESS WHEREOF the Parties have caused this Agreement to be executed by their authorized representatives as of the effective date stated above.

CALIFORNIA MUNICIPAL
FINANCE AUTHORITY

FAIRFIELD-SUISUN SEWER DISTRICT

By: _____
Name: Edward J. Becker
Title: Executive Director

By: _____
Name: Talyon Sortor
Title: General Manager

EXHIBIT A

DESCRIPTION OF DISTRICT FEES/IMPROVEMENTS

Any public facilities to be owned and/or operated by the District, including impact fees payable to the District for the construction and/or acquisition of public facilities to be owned and/or operated by the District.

EXHIBIT B

DISBURSEMENT REQUEST FORM

To:

California Municipal Finance Authority
2111 Palomar Airport Road, Suite 320
Carlsbad, California 92011
Email: _____

Re: BOLD Program - Request for Disbursement of Bond Proceeds

The undersigned, a duly authorized officer of the Fairfield-Suisun Sewer District (the "District") hereby requests a disbursement from the Project Fund set forth below, and certifies that the amounts of development impact fees and/or capital improvements listed below have been or will be spent by the District as of the date indicated below or within 5 days thereafter:

<u>Subaccount(s)</u>	<u>Amount(s)</u>
[example, CMFA CFD No. 20__-__, Special Tax Bonds Series 20__, Project Fund]	\$

Total:

Wiring Instructions: _____

The undersigned hereby additionally certifies as follows:

1. These funds have been or will be used to acquire and/or construct capital improvements, and this disbursement is not being made for the purpose of reinvestment.
2. None of the expenditures for which payment is requested have been reimbursed previously from other sources of funds.

3. If the total amount above is greater than the funds held by CMFA on behalf of the District in the Subaccount(s) identified above, CMFA is authorized to amend the amount requested to be equal to the amount of such funds.

4. The amounts being disbursed pursuant to this request are being used to finance or refinance certain public infrastructure and facilities (the "Improvements"). The District will own, and for the entire useful life of such Improvements reasonably expects to own, all of such Improvements. The Improvements consist of the following:

[Describe the improvements]

5. To the extent any of such Improvements are sold to an entity that is not a state or local government, the District will seek the advice and approval of bond counsel to CMFA for the BOLD program prior to any such sale. The District will not allow any of such Improvements to be used (for example, by lease or other contract) in the trade or business of any nongovernmental persons (other than in their roles as members of the general public). All of such Improvements will be used in the performance of essential governmental functions of the District or another state or local government agency. The average expected useful life of such Improvements is at least ____ years. The representations and covenants contained in this paragraph are intended to support the conclusion that the interest paid on the bonds issued to finance the Improvements is excluded from gross income for federal income tax purposes under Section 103 of the Internal Revenue Code of 1986 (the "Code").

Dated: _____

Signature: _____

Print Name: _____



FAIRFIELD-SUISUN SEWER DISTRICT

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October 13, 2021

CM-9003.10

MEMORANDUM

TO: Executive Committee

FROM: Lexi Valenti, Junior Engineer
Ryan Yamamoto, Junior Engineer

SUBJECT: Primary Clarifier Rehabilitation No. 2 and 4 – Authorize Award of Contract

Recommendation: (1) Adopt plans and specifications for Primary Clarifier Rehabilitation No. 2 and 4 and (2) Authorize the District Engineer to award and execute the construction contract with the bidder that is deemed lowest, responsive and responsible.

Background: The District operates primary clarifiers to remove solids at the beginning of the treatment process. The primary clarifiers consist of four rectangular tanks (No. 1 - 4) and one circular tank (No. 5). Primaries No. 1 - 4 typically operate year-round and Primary No. 5 is brought online during the wet season. Primary Clarifiers No. 1 and 3 were rehabilitated in summer 2021 and Primary Clarifiers No. 2 and 4 are now due for rehabilitation as well.

Discussion: District staff prepared a formal set of plans and specifications for the replacement of the clarifier equipment and renovation of the effluent channel. This project was advertised for public bid on October 12, 2021. Bids will be received on November 10, 2021 and reviewed shortly thereafter to confirm that all requirements are in order. In order to issue Notice to Proceed as soon as possible so that the selected contractor can procure equipment in time for the dry weather season in 2022, District staff requests that the District Engineer be granted authority to award a construction contract to the bidder that is deemed lowest, responsive and responsible.

Fiscal Impact: The FY 20/21 - FY 21/22 budget includes \$1.1M for this project. District staff request authorization up to the budgeted \$1.1M for this construction contract.



FAIRFIELD-SUISUN SEWER DISTRICT

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October 13, 2021

MEMORANDUM

TO: Executive Committee

FROM: James Russell-Field, Director of Administrative Services

SUBJECT: Resolution No. 2021-13 Authorizing Public Meetings to be held via Teleconferencing Pursuant to Government Code Section 54953(e) and Making Findings and Determinations Regarding the Same

Recommendation: Adopt Resolution.

Background: AB 361 is new legislation that amends the Brown Act to continue to allow local agencies to meet remotely during declared emergencies under certain conditions. Because AB 361 is urgency legislation, the Board needs to take action on its provisions immediately in order to continue teleconference under the current state of emergency.

Discussion: On September 16, 2021, Governor Newsom signed AB 361, new legislation that amends the Brown Act to allow local agencies to meet remotely during declared emergencies under certain conditions. AB 361 took effect immediately as an urgency measure, but the Governor subsequently suspended application of the legislation with limited exceptions until October 1, 2021.

AB 361 builds upon Executive Order (“EO”) N-29-20, issued by the Governor on March 17, 2020, which relaxed the teleconferencing requirements of the Brown Act to facilitate virtual meetings during the COVID-19 declared emergency. EO N-29-20’s provisions concerning public meetings generally apply through September 30, 2021.

AB 361 authorizes local agencies to continue meeting remotely without following the Brown Act’s standard teleconferencing provisions, including the requirement that meetings be conducted in physical locations, if the meeting is held during a state of emergency proclaimed by the Governor and either of the following applies: (1) state or local officials have imposed or recommended measures to promote social distancing; or (2) the agency has already determined or is determining whether, as a result of the

Resolution No. 2021-13 Authorizing Public Meetings to be held via Teleconferencing
Pursuant to Government Code Section 54953(e) and Making Findings and
Determinations Regarding the Same Subject
October 13, 2021
Page 2 of 2

emergency, meeting in person would present imminent risks to the health or safety of attendees.

AB 361 also adds new procedures and clarifies the requirements for conducting remote meetings that provide District staff with better guidance on how to conduct remote meetings.

The Board has utilized teleconferencing options throughout the pandemic including remote appearances by Board members, and public comments from citizens via Zoom, email, or teleconference. In order to continue to utilize these options it is recommended that the Board adopt the attached resolution.

Fiscal Impact: There is little to no fiscal impact by this action. District staff is already utilizing many of the procedures for teleconferencing in current Board meetings.

Attachment: AB-361
Resolution No. 2021-13


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AB-361 Open meetings: state and local agencies: teleconferences. (2021-2022)

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Date Published: 09/17/2021 09:00 PM

Assembly Bill No. 361

CHAPTER 165

An act to add and repeal Section 89305.6 of the Education Code, and to amend, repeal, and add Section 54953 of, and to add and repeal Section 11133 of, the Government Code, relating to open meetings, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 16, 2021. Filed with Secretary of State September 16, 2021.]

LEGISLATIVE COUNSEL'S DIGEST

AB 361, Robert Rivas. Open meetings: state and local agencies: teleconferences.

(1) Existing law, the Ralph M. Brown Act requires, with specified exceptions, that all meetings of a legislative body of a local agency, as those terms are defined, be open and public and that all persons be permitted to attend and participate. The act contains specified provisions regarding the timelines for posting an agenda and providing for the ability of the public to directly address the legislative body on any item of interest to the public. The act generally requires all regular and special meetings of the legislative body be held within the boundaries of the territory over which the local agency exercises jurisdiction, subject to certain exceptions. The act allows for meetings to occur via teleconferencing subject to certain requirements, particularly that the legislative body notice each teleconference location of each member that will be participating in the public meeting, that each teleconference location be accessible to the public, that members of the public be allowed to address the legislative body at each teleconference location, that the legislative body post an agenda at each teleconference location, and that at least a quorum of the legislative body participate from locations within the boundaries of the local agency's jurisdiction. The act provides an exemption to the jurisdictional requirement for health authorities, as defined. The act authorizes the district attorney or any interested person, subject to certain provisions, to commence an action by mandamus or injunction for the purpose of obtaining a judicial determination that specified actions taken by a legislative body are null and void.

Existing law, the California Emergency Services Act, authorizes the Governor, or the Director of Emergency Services when the governor is inaccessible, to proclaim a state of emergency under specified circumstances.

Executive Order No. N-29-20 suspends the Ralph M. Brown Act's requirements for teleconferencing during the COVID-19 pandemic provided that notice and accessibility requirements are met, the public members are allowed to observe and address the legislative body at the meeting, and that a legislative body of a local agency has a procedure for receiving and swiftly resolving requests for reasonable accommodation for individuals with disabilities, as specified.

This bill, until January 1, 2024, would authorize a local agency to use teleconferencing without complying with the teleconferencing requirements imposed by the Ralph M. Brown Act when a legislative body of a local agency holds a meeting during a declared state of emergency, as that term is defined, when state or local health officials

have imposed or recommended measures to promote social distancing, during a proclaimed state of emergency held for the purpose of determining, by majority vote, whether meeting in person would present imminent risks to the health or safety of attendees, and during a proclaimed state of emergency when the legislative body has determined that meeting in person would present imminent risks to the health or safety of attendees, as provided.

This bill would require legislative bodies that hold teleconferenced meetings under these abbreviated teleconferencing procedures to give notice of the meeting and post agendas, as described, to allow members of the public to access the meeting and address the legislative body, to give notice of the means by which members of the public may access the meeting and offer public comment, including an opportunity for all persons to attend via a call-in option or an internet-based service option, and to conduct the meeting in a manner that protects the statutory and constitutional rights of the parties and the public appearing before the legislative body. The bill would require the legislative body to take no further action on agenda items when there is a disruption which prevents the public agency from broadcasting the meeting, or in the event of a disruption within the local agency's control which prevents members of the public from offering public comments, until public access is restored. The bill would specify that actions taken during the disruption are subject to challenge proceedings, as specified.

This bill would prohibit the legislative body from requiring public comments to be submitted in advance of the meeting and would specify that the legislative body must provide an opportunity for the public to address the legislative body and offer comment in real time. The bill would prohibit the legislative body from closing the public comment period and the opportunity to register to provide public comment, until the public comment period has elapsed or until a reasonable amount of time has elapsed, as specified. When there is a continuing state of emergency, or when state or local officials have imposed or recommended measures to promote social distancing, the bill would require a legislative body to make specified findings not later than 30 days after the first teleconferenced meeting pursuant to these provisions, and to make those findings every 30 days thereafter, in order to continue to meet under these abbreviated teleconferencing procedures.

Existing law prohibits a legislative body from requiring, as a condition to attend a meeting, a person to register the person's name, or to provide other information, or to fulfill any condition precedent to the person's attendance.

This bill would exclude from that prohibition, a registration requirement imposed by a third-party internet website or other online platform not under the control of the legislative body.

(2) Existing law, the Bagley-Keene Open Meeting Act, requires, with specified exceptions, that all meetings of a state body be open and public and all persons be permitted to attend any meeting of a state body. The act requires at least one member of the state body to be physically present at the location specified in the notice of the meeting.

The Governor's Executive Order No. N-29-20 suspends the requirements of the Bagley-Keene Open Meeting Act for teleconferencing during the COVID-19 pandemic, provided that notice and accessibility requirements are met, the public members are allowed to observe and address the state body at the meeting, and that a state body has a procedure for receiving and swiftly resolving requests for reasonable accommodation for individuals with disabilities, as specified.

This bill, until January 31, 2022, would authorize, subject to specified notice and accessibility requirements, a state body to hold public meetings through teleconferencing and to make public meetings accessible telephonically, or otherwise electronically, to all members of the public seeking to observe and to address the state body. With respect to a state body holding a public meeting pursuant to these provisions, the bill would suspend certain requirements of existing law, including the requirements that each teleconference location be accessible to the public and that members of the public be able to address the state body at each teleconference location. Under the bill, a state body that holds a meeting through teleconferencing and allows members of the public to observe and address the meeting telephonically or otherwise electronically would satisfy any requirement that the state body allow members of the public to attend the meeting and offer public comment. The bill would require that each state body that holds a meeting through teleconferencing provide notice of the meeting, and post the agenda, as provided. The bill would urge state bodies utilizing these teleconferencing procedures in the bill to use sound discretion and to make reasonable efforts to adhere as closely as reasonably possible to existing law, as provided.

(3) Existing law establishes the various campuses of the California State University under the administration of the Trustees of the California State University, and authorizes the establishment of student body organizations in

connection with the operations of California State University campuses.

The Gloria Romero Open Meetings Act of 2000 generally requires a legislative body, as defined, of a student body organization to conduct its business in a meeting that is open and public. The act authorizes the legislative body to use teleconferencing, as defined, for the benefit of the public and the legislative body in connection with any meeting or proceeding authorized by law.

This bill, until January 31, 2022, would authorize, subject to specified notice and accessibility requirements, a legislative body, as defined for purposes of the act, to hold public meetings through teleconferencing and to make public meetings accessible telephonically, or otherwise electronically, to all members of the public seeking to observe and to address the legislative body. With respect to a legislative body holding a public meeting pursuant to these provisions, the bill would suspend certain requirements of existing law, including the requirements that each teleconference location be accessible to the public and that members of the public be able to address the legislative body at each teleconference location. Under the bill, a legislative body that holds a meeting through teleconferencing and allows members of the public to observe and address the meeting telephonically or otherwise electronically would satisfy any requirement that the legislative body allow members of the public to attend the meeting and offer public comment. The bill would require that each legislative body that holds a meeting through teleconferencing provide notice of the meeting, and post the agenda, as provided. The bill would urge legislative bodies utilizing these teleconferencing procedures in the bill to use sound discretion and to make reasonable efforts to adhere as closely as reasonably possible to existing law, as provided.

(4) This bill would declare the Legislature's intent, consistent with the Governor's Executive Order No. N-29-20, to improve and enhance public access to state and local agency meetings during the COVID-19 pandemic and future emergencies by allowing broader access through teleconferencing options.

(5) This bill would incorporate additional changes to Section 54953 of the Government Code proposed by AB 339 to be operative only if this bill and AB 339 are enacted and this bill is enacted last.

(6) The California Constitution requires local agencies, for the purpose of ensuring public access to the meetings of public bodies and the writings of public officials and agencies, to comply with a statutory enactment that amends or enacts laws relating to public records or open meetings and contains findings demonstrating that the enactment furthers the constitutional requirements relating to this purpose.

This bill would make legislative findings to that effect.

(7) Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.

This bill would make legislative findings to that effect.

(8) This bill would declare that it is to take effect immediately as an urgency statute.

Vote: 2/3 Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 89305.6 is added to the Education Code, to read:

89305.6. (a) Notwithstanding any other provision of this article, and subject to the notice and accessibility requirements in subdivisions (d) and (e), a legislative body may hold public meetings through teleconferencing and make public meetings accessible telephonically, or otherwise electronically, to all members of the public seeking to observe and to address the legislative body.

(b) (1) For a legislative body holding a public meeting through teleconferencing pursuant to this section, all requirements in this article requiring the physical presence of members, the clerk or other personnel of the legislative body, or the public, as a condition of participation in or quorum for a public meeting, are hereby suspended.

(2) For a legislative body holding a public meeting through teleconferencing pursuant to this section, all of the following requirements in this article are suspended:

(A) Each teleconference location from which a member will be participating in a public meeting or proceeding be identified in the notice and agenda of the public meeting or proceeding.

(B) Each teleconference location be accessible to the public.

(C) Members of the public may address the legislative body at each teleconference conference location.

(D) Post agendas at all teleconference locations.

(E) At least one member of the legislative body be physically present at the location specified in the notice of the meeting.

(c) A legislative body that holds a meeting through teleconferencing and allows members of the public to observe and address the meeting telephonically or otherwise electronically, consistent with the notice and accessibility requirements in subdivisions (d) and (e), shall have satisfied any requirement that the legislative body allow members of the public to attend the meeting and offer public comment. A legislative body need not make available any physical location from which members of the public may observe the meeting and offer public comment.

(d) If a legislative body holds a meeting through teleconferencing pursuant to this section and allows members of the public to observe and address the meeting telephonically or otherwise electronically, the legislative body shall also do both of the following:

(1) Implement a procedure for receiving and swiftly resolving requests for reasonable modification or accommodation from individuals with disabilities, consistent with the federal Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12101 et seq.), and resolving any doubt whatsoever in favor of accessibility.

(2) Advertise that procedure each time notice is given of the means by which members of the public may observe the meeting and offer public comment, pursuant to paragraph (2) of subdivision (e).

(e) Except to the extent this section provides otherwise, each legislative body that holds a meeting through teleconferencing pursuant to this section shall do both of the following:

(1) Give advance notice of the time of, and post the agenda for, each public meeting according to the timeframes otherwise prescribed by this article, and using the means otherwise prescribed by this article, as applicable.

(2) In each instance in which notice of the time of the meeting is otherwise given or the agenda for the meeting is otherwise posted, also give notice of the means by which members of the public may observe the meeting and offer public comment. As to any instance in which there is a change in the means of public observation and comment, or any instance prior to the effective date of this section in which the time of the meeting has been noticed or the agenda for the meeting has been posted without also including notice of the means of public observation and comment, a legislative body may satisfy this requirement by advertising the means of public observation and comment using the most rapid means of communication available at the time. Advertising the means of public observation and comment using the most rapid means of communication available at the time shall include, but need not be limited to, posting such means on the legislative body's internet website.

(f) All legislative bodies utilizing the teleconferencing procedures in this section are urged to use sound discretion and to make reasonable efforts to adhere as closely as reasonably possible to the otherwise applicable provisions of this article, in order to maximize transparency and provide the public access to legislative body meetings.

(g) This section shall remain in effect only until January 31, 2022, and as of that date is repealed.

SEC. 2. Section 11133 is added to the Government Code, to read:

11133. (a) Notwithstanding any other provision of this article, and subject to the notice and accessibility requirements in subdivisions (d) and (e), a state body may hold public meetings through teleconferencing and make public meetings accessible telephonically, or otherwise electronically, to all members of the public seeking to observe and to address the state body.

(b) (1) For a state body holding a public meeting through teleconferencing pursuant to this section, all requirements in this article requiring the physical presence of members, the clerk or other personnel of the state body, or the public, as a condition of participation in or quorum for a public meeting, are hereby suspended.

(2) For a state body holding a public meeting through teleconferencing pursuant to this section, all of the following requirements in this article are suspended:

(A) Each teleconference location from which a member will be participating in a public meeting or proceeding be identified in the notice and agenda of the public meeting or proceeding.

(B) Each teleconference location be accessible to the public.

(C) Members of the public may address the state body at each teleconference conference location.

(D) Post agendas at all teleconference locations.

(E) At least one member of the state body be physically present at the location specified in the notice of the meeting.

(c) A state body that holds a meeting through teleconferencing and allows members of the public to observe and address the meeting telephonically or otherwise electronically, consistent with the notice and accessibility requirements in subdivisions (d) and (e), shall have satisfied any requirement that the state body allow members of the public to attend the meeting and offer public comment. A state body need not make available any physical location from which members of the public may observe the meeting and offer public comment.

(d) If a state body holds a meeting through teleconferencing pursuant to this section and allows members of the public to observe and address the meeting telephonically or otherwise electronically, the state body shall also do both of the following:

(1) Implement a procedure for receiving and swiftly resolving requests for reasonable modification or accommodation from individuals with disabilities, consistent with the federal Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12101 et seq.), and resolving any doubt whatsoever in favor of accessibility.

(2) Advertise that procedure each time notice is given of the means by which members of the public may observe the meeting and offer public comment, pursuant to paragraph (2) of subdivision (e).

(e) Except to the extent this section provides otherwise, each state body that holds a meeting through teleconferencing pursuant to this section shall do both of the following:

(1) Give advance notice of the time of, and post the agenda for, each public meeting according to the timeframes otherwise prescribed by this article, and using the means otherwise prescribed by this article, as applicable.

(2) In each instance in which notice of the time of the meeting is otherwise given or the agenda for the meeting is otherwise posted, also give notice of the means by which members of the public may observe the meeting and offer public comment. As to any instance in which there is a change in the means of public observation and comment, or any instance prior to the effective date of this section in which the time of the meeting has been noticed or the agenda for the meeting has been posted without also including notice of the means of public observation and comment, a state body may satisfy this requirement by advertising the means of public observation and comment using the most rapid means of communication available at the time. Advertising the means of public observation and comment using the most rapid means of communication available at the time shall include, but need not be limited to, posting such means on the state body's internet website.

(f) All state bodies utilizing the teleconferencing procedures in this section are urged to use sound discretion and to make reasonable efforts to adhere as closely as reasonably possible to the otherwise applicable provisions of this article, in order to maximize transparency and provide the public access to state body meetings.

(g) This section shall remain in effect only until January 31, 2022, and as of that date is repealed.

SEC. 3. Section 54953 of the Government Code is amended to read:

54953. (a) All meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting of the legislative body of a local agency, except as otherwise provided in this chapter.

(b) (1) Notwithstanding any other provision of law, the legislative body of a local agency may use teleconferencing for the benefit of the public and the legislative body of a local agency in connection with any meeting or proceeding authorized by law. The teleconferenced meeting or proceeding shall comply with all

otherwise applicable requirements of this chapter and all otherwise applicable provisions of law relating to a specific type of meeting or proceeding.

(2) Teleconferencing, as authorized by this section, may be used for all purposes in connection with any meeting within the subject matter jurisdiction of the legislative body. All votes taken during a teleconferenced meeting shall be by rollcall.

(3) 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. 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. During the teleconference, 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, except as provided in subdivisions (d) and (e). The agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3 at each teleconference location.

(4) For the purposes of this section, "teleconference" means a meeting of a legislative body, the members of which are in different locations, connected by electronic means, through either audio or video, or both. Nothing in this section shall prohibit a local agency from providing the public with additional teleconference locations.

(c) (1) No legislative body shall take action by secret ballot, whether preliminary or final.

(2) The legislative body of a local agency shall publicly report any action taken and the vote or abstention on that action of each member present for the action.

(3) Prior to taking final action, the legislative body shall orally report a summary of a recommendation for a final action on the salaries, salary schedules, or compensation paid in the form of fringe benefits of a local agency executive, as defined in subdivision (d) of Section 3511.1, during the open meeting in which the final action is to be taken. This paragraph shall not affect the public's right under the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1) to inspect or copy records created or received in the process of developing the recommendation.

(d) (1) Notwithstanding the provisions relating to a quorum in paragraph (3) of subdivision (b), if a health authority conducts a teleconference meeting, members who are outside the jurisdiction of the authority may be counted toward the establishment of a quorum when participating in the teleconference if at least 50 percent of the number of members that would establish a quorum are present within the boundaries of the territory over which the authority exercises jurisdiction, and the health authority provides a teleconference number, and associated access codes, if any, that allows any person to call in to participate in the meeting and the number and access codes are identified in the notice and agenda of the meeting.

(2) Nothing in this subdivision shall be construed as discouraging health authority members from regularly meeting at a common physical site within the jurisdiction of the authority or from using teleconference locations within or near the jurisdiction of the authority. A teleconference meeting for which a quorum is established pursuant to this subdivision shall be subject to all other requirements of this section.

(3) For purposes of this subdivision, a health authority means any entity created pursuant to Sections 14018.7, 14087.31, 14087.35, 14087.36, 14087.38, and 14087.9605 of the Welfare and Institutions Code, any joint powers authority created pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 for the purpose of contracting pursuant to Section 14087.3 of the Welfare and Institutions Code, and any advisory committee to a county-sponsored health plan licensed pursuant to Chapter 2.2 (commencing with Section 1340) of Division 2 of the Health and Safety Code if the advisory committee has 12 or more members.

(e) (1) A local agency may use teleconferencing without complying with the requirements of paragraph (3) of subdivision (b) if the legislative body complies with the requirements of paragraph (2) of this subdivision in any of the following circumstances:

(A) The legislative body holds a meeting during a proclaimed state of emergency, and state or local officials have imposed or recommended measures to promote social distancing.

(B) The legislative body holds 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.

(C) The legislative body holds a meeting during a proclaimed state of emergency and has determined, by majority vote, pursuant to subparagraph (B), that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

(2) A legislative body that holds a meeting pursuant to this subdivision shall do all of the following:

(A) The legislative body shall give notice of the meeting and post agendas as otherwise required by this chapter.

(B) The legislative body shall allow members of the public to access the meeting and the agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3. In each instance in which notice of the time of the teleconferenced meeting is otherwise given or the agenda for the meeting is otherwise posted, the legislative body shall also give notice of the means 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. This subparagraph shall not be construed to require the legislative body to provide a physical location from which the public may attend or comment.

(C) The legislative body shall conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the parties and the public appearing before the legislative body of a local agency.

(D) In the event of a disruption which prevents the public 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 agency's control which prevents members of the public from offering public comments using the call-in option or internet-based service option, the 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. Actions taken on agenda items during a disruption which prevents the public agency from broadcasting the meeting may be challenged pursuant to Section 54960.1.

(E) The legislative body shall not require public comments to be submitted in advance of the meeting and must provide an opportunity for the public to address the legislative body and offer comment in real time. This subparagraph shall not be construed to require the legislative body to provide a physical location from which the public may attend or comment.

(F) Notwithstanding Section 54953.3, 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.

(G) (i) A legislative body that provides a timed public comment period for each agenda item shall not close the public comment period for the agenda item, or the opportunity to register, pursuant to subparagraph (F), to provide public comment until that timed public comment period has elapsed.

(ii) A legislative body that does not provide a timed public comment period, but takes public comment separately on each agenda item, shall 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 pursuant to subparagraph (F), or otherwise be recognized for the purpose of providing public comment.

(iii) A legislative body that provides a timed general public comment period that does not correspond to a specific agenda item shall not close the public comment period or the opportunity to register, pursuant to subparagraph (F), until the timed general public comment period has elapsed.

(3) If a state of emergency remains active, or state or local officials have imposed or recommended measures to promote social distancing, in order to continue to teleconference without compliance with paragraph (3) of subdivision (b), the legislative body shall, not later than 30 days after teleconferencing for the first time pursuant to subparagraph (A), (B), or (C) of paragraph (1), and every 30 days thereafter, make the following findings by majority vote:

(A) The legislative body has reconsidered the circumstances of the state of emergency.

(B) Any of the following circumstances exist:

(i) The state of emergency continues to directly impact the ability of the members to meet safely in person.

(ii) State or local officials continue to impose or recommend measures to promote social distancing.

(4) For the purposes of this subdivision, "state of emergency" means a state of emergency proclaimed pursuant to Section 8625 of the California Emergency Services Act (Article 1 (commencing with Section 8550) of Chapter 7 of Division 1 of Title 2).

(f) This section shall remain in effect only until January 1, 2024, and as of that date is repealed.

SEC. 3.1. Section 54953 of the Government Code is amended to read:

54953. (a) All meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting of the legislative body of a local agency in person, except as otherwise provided in this chapter. Local agencies shall conduct meetings subject to this chapter consistent with applicable state and federal civil rights laws, including, but not limited to, any applicable language access and other nondiscrimination obligations.

(b) (1) Notwithstanding any other provision of law, the legislative body of a local agency may use teleconferencing for the benefit of the public and the legislative body of a local agency in connection with any meeting or proceeding authorized by law. The teleconferenced meeting or proceeding shall comply with all otherwise applicable requirements of this chapter and all otherwise applicable provisions of law relating to a specific type of meeting or proceeding.

(2) Teleconferencing, as authorized by this section, may be used for all purposes in connection with any meeting within the subject matter jurisdiction of the legislative body. All votes taken during a teleconferenced meeting shall be by rollcall.

(3) 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. 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. During the teleconference, 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, except as provided in subdivisions (d) and (e). The agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3 at each teleconference location.

(4) For the purposes of this section, "teleconference" means a meeting of a legislative body, the members of which are in different locations, connected by electronic means, through either audio or video, or both. Nothing in this section shall prohibit a local agency from providing the public with additional teleconference locations.

(c) (1) No legislative body shall take action by secret ballot, whether preliminary or final.

(2) The legislative body of a local agency shall publicly report any action taken and the vote or abstention on that action of each member present for the action.

(3) Prior to taking final action, the legislative body shall orally report a summary of a recommendation for a final action on the salaries, salary schedules, or compensation paid in the form of fringe benefits of a local agency executive, as defined in subdivision (d) of Section 3511.1, during the open meeting in which the final action is to be taken. This paragraph shall not affect the public's right under the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1) to inspect or copy records created or received in the process of developing the recommendation.

(d) (1) Notwithstanding the provisions relating to a quorum in paragraph (3) of subdivision (b), if a health authority conducts a teleconference meeting, members who are outside the jurisdiction of the authority may be counted toward the establishment of a quorum when participating in the teleconference if at least 50 percent of the number of members that would establish a quorum are present within the boundaries of the territory over which the authority exercises jurisdiction, and the health authority provides a teleconference number, and associated access codes, if any, that allows any person to call in to participate in the meeting and the number and access codes are identified in the notice and agenda of the meeting.

(2) Nothing in this subdivision shall be construed as discouraging health authority members from regularly meeting at a common physical site within the jurisdiction of the authority or from using teleconference locations within or near the jurisdiction of the authority. A teleconference meeting for which a quorum is established pursuant to this subdivision shall be subject to all other requirements of this section.

(3) For purposes of this subdivision, a health authority means any entity created pursuant to Sections 14018.7, 14087.31, 14087.35, 14087.36, 14087.38, and 14087.9605 of the Welfare and Institutions Code, any joint powers authority created pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 for the purpose of contracting pursuant to Section 14087.3 of the Welfare and Institutions Code, and any advisory committee to a county-sponsored health plan licensed pursuant to Chapter 2.2 (commencing with Section 1340) of Division 2 of the Health and Safety Code if the advisory committee has 12 or more members.

(e) (1) A local agency may use teleconferencing without complying with the requirements of paragraph (3) of subdivision (b) if the legislative body complies with the requirements of paragraph (2) of this subdivision in any of the following circumstances:

(A) The legislative body holds a meeting during a proclaimed state of emergency, and state or local officials have imposed or recommended measures to promote social distancing.

(B) The legislative body holds 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.

(C) The legislative body holds a meeting during a proclaimed state of emergency and has determined, by majority vote, pursuant to subparagraph (B), that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

(2) A legislative body that holds a meeting pursuant to this subdivision shall do all of the following:

(A) The legislative body shall give notice of the meeting and post agendas as otherwise required by this chapter.

(B) The legislative body shall allow members of the public to access the meeting and the agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3. In each instance in which notice of the time of the teleconferenced meeting is otherwise given or the agenda for the meeting is otherwise posted, the legislative body shall also give notice of the means 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. This subparagraph shall not be construed to require the legislative body to provide a physical location from which the public may attend or comment.

(C) The legislative body shall conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the parties and the public appearing before the legislative body of a local agency.

(D) In the event of a disruption which prevents the public 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 agency's control which prevents members of the public from offering public comments using the call-in option or internet-based service option, the 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. Actions taken on agenda items during a disruption which prevents the public agency from broadcasting the meeting may be challenged pursuant to Section 54960.1.

(E) The legislative body shall not require public comments to be submitted in advance of the meeting and must provide an opportunity for the public to address the legislative body and offer comment in real time. This subparagraph shall not be construed to require the legislative body to provide a physical location from which the public may attend or comment.

(F) Notwithstanding Section 54953.3, 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.

(G) (i) A legislative body that provides a timed public comment period for each agenda item shall not close the public comment period for the agenda item, or the opportunity to register, pursuant to subparagraph (F), to provide public comment until that timed public comment period has elapsed.

(ii) A legislative body that does not provide a timed public comment period, but takes public comment separately on each agenda item, shall 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 pursuant to subparagraph (F), or otherwise be recognized for the purpose of providing public comment.

(iii) A legislative body that provides a timed general public comment period that does not correspond to a specific agenda item shall not close the public comment period or the opportunity to register, pursuant to subparagraph (F), until the timed general public comment period has elapsed.

(3) If a state of emergency remains active, or state or local officials have imposed or recommended measures to promote social distancing, in order to continue to teleconference without compliance with paragraph (3) of subdivision (b), the legislative body shall, not later than 30 days after teleconferencing for the first time pursuant to subparagraph (A), (B), or (C) of paragraph (1), and every 30 days thereafter, make the following findings by majority vote:

(A) The legislative body has reconsidered the circumstances of the state of emergency.

(B) Any of the following circumstances exist:

(i) The state of emergency continues to directly impact the ability of the members to meet safely in person.

(ii) State or local officials continue to impose or recommend measures to promote social distancing.

(4) For the purposes of this subdivision, "state of emergency" means a state of emergency proclaimed pursuant to Section 8625 of the California Emergency Services Act (Article 1 (commencing with Section 8550) of Chapter 7 of Division 1 of Title 2).

(f) This section shall remain in effect only until January 1, 2024, and as of that date is repealed.

SEC. 4. Section 54953 is added to the Government Code, to read:

54953. (a) All meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting of the legislative body of a local agency, except as otherwise provided in this chapter.

(b) (1) Notwithstanding any other provision of law, the legislative body of a local agency may use teleconferencing for the benefit of the public and the legislative body of a local agency in connection with any meeting or proceeding authorized by law. The teleconferenced meeting or proceeding shall comply with all requirements of this chapter and all otherwise applicable provisions of law relating to a specific type of meeting or proceeding.

(2) Teleconferencing, as authorized by this section, may be used for all purposes in connection with any meeting within the subject matter jurisdiction of the legislative body. All votes taken during a teleconferenced meeting shall be by rollcall.

(3) 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. 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. During the teleconference, 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, except as provided in subdivision (d). The agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3 at each teleconference location.

(4) For the purposes of this section, "teleconference" means a meeting of a legislative body, the members of which are in different locations, connected by electronic means, through either audio or video, or both. Nothing in this section shall prohibit a local agency from providing the public with additional teleconference locations

(c) (1) No legislative body shall take action by secret ballot, whether preliminary or final.

(2) The legislative body of a local agency shall publicly report any action taken and the vote or abstention on that action of each member present for the action.

(3) Prior to taking final action, the legislative body shall orally report a summary of a recommendation for a final action on the salaries, salary schedules, or compensation paid in the form of fringe benefits of a local agency executive, as defined in subdivision (d) of Section 3511.1, during the open meeting in which the final action is to be taken. This paragraph shall not affect the public's right under the California Public Records Act (Chapter 3.5

(commencing with Section 6250) of Division 7 of Title 1) to inspect or copy records created or received in the process of developing the recommendation.

(d) (1) Notwithstanding the provisions relating to a quorum in paragraph (3) of subdivision (b), if a health authority conducts a teleconference meeting, members who are outside the jurisdiction of the authority may be counted toward the establishment of a quorum when participating in the teleconference if at least 50 percent of the number of members that would establish a quorum are present within the boundaries of the territory over which the authority exercises jurisdiction, and the health authority provides a teleconference number, and associated access codes, if any, that allows any person to call in to participate in the meeting and the number and access codes are identified in the notice and agenda of the meeting.

(2) Nothing in this subdivision shall be construed as discouraging health authority members from regularly meeting at a common physical site within the jurisdiction of the authority or from using teleconference locations within or near the jurisdiction of the authority. A teleconference meeting for which a quorum is established pursuant to this subdivision shall be subject to all other requirements of this section.

(3) For purposes of this subdivision, a health authority means any entity created pursuant to Sections 14018.7, 14087.31, 14087.35, 14087.36, 14087.38, and 14087.9605 of the Welfare and Institutions Code, any joint powers authority created pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 for the purpose of contracting pursuant to Section 14087.3 of the Welfare and Institutions Code, and any advisory committee to a county-sponsored health plan licensed pursuant to Chapter 2.2 (commencing with Section 1340) of Division 2 of the Health and Safety Code if the advisory committee has 12 or more members.

(e) This section shall become operative January 1, 2024.

SEC. 4.1. Section 54953 is added to the Government Code, to read:

54953. (a) All meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting of the legislative body of a local agency, in person except as otherwise provided in this chapter. Local agencies shall conduct meetings subject to this chapter consistent with applicable state and federal civil rights laws, including, but not limited to, any applicable language access and other nondiscrimination obligations.

(b) (1) Notwithstanding any other provision of law, the legislative body of a local agency may use teleconferencing for the benefit of the public and the legislative body of a local agency in connection with any meeting or proceeding authorized by law. The teleconferenced meeting or proceeding shall comply with all requirements of this chapter and all otherwise applicable provisions of law relating to a specific type of meeting or proceeding.

(2) Teleconferencing, as authorized by this section, may be used for all purposes in connection with any meeting within the subject matter jurisdiction of the legislative body. All votes taken during a teleconferenced meeting shall be by rollcall.

(3) 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. 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. During the teleconference, 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, except as provided in subdivision (d). The agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3 at each teleconference location.

(4) For the purposes of this section, "teleconference" means a meeting of a legislative body, the members of which are in different locations, connected by electronic means, through either audio or video, or both. Nothing in this section shall prohibit a local agency from providing the public with additional teleconference locations.

(c) (1) No legislative body shall take action by secret ballot, whether preliminary or final.

(2) The legislative body of a local agency shall publicly report any action taken and the vote or abstention on that action of each member present for the action.

(3) Prior to taking final action, the legislative body shall orally report a summary of a recommendation for a final action on the salaries, salary schedules, or compensation paid in the form of fringe benefits of a local agency executive, as defined in subdivision (d) of Section 3511.1, during the open meeting in which the final action is to be taken. This paragraph shall not affect the public's right under the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1) to inspect or copy records created or received in the process of developing the recommendation.

(d) (1) Notwithstanding the provisions relating to a quorum in paragraph (3) of subdivision (b), if a health authority conducts a teleconference meeting, members who are outside the jurisdiction of the authority may be counted toward the establishment of a quorum when participating in the teleconference if at least 50 percent of the number of members that would establish a quorum are present within the boundaries of the territory over which the authority exercises jurisdiction, and the health authority provides a teleconference number, and associated access codes, if any, that allows any person to call in to participate in the meeting and the number and access codes are identified in the notice and agenda of the meeting.

(2) Nothing in this subdivision shall be construed as discouraging health authority members from regularly meeting at a common physical site within the jurisdiction of the authority or from using teleconference locations within or near the jurisdiction of the authority. A teleconference meeting for which a quorum is established pursuant to this subdivision shall be subject to all other requirements of this section.

(3) For purposes of this subdivision, a health authority means any entity created pursuant to Sections 14018.7, 14087.31, 14087.35, 14087.36, 14087.38, and 14087.9605 of the Welfare and Institutions Code, any joint powers authority created pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 for the purpose of contracting pursuant to Section 14087.3 of the Welfare and Institutions Code, and any advisory committee to a county-sponsored health plan licensed pursuant to Chapter 2.2 (commencing with Section 1340) of Division 2 of the Health and Safety Code if the advisory committee has 12 or more members.

(e) This section shall become operative January 1, 2024.

SEC. 5. Sections 3.1 and 4.1 of this bill incorporate amendments to Section 54953 of the Government Code proposed by both this bill and Assembly Bill 339. Those sections of this bill shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2022, but this bill becomes operative first, (2) each bill amends Section 54953 of the Government Code, and (3) this bill is enacted after Assembly Bill 339, in which case Section 54953 of the Government Code, as amended by Sections 3 and 4 of this bill, shall remain operative only until the operative date of Assembly Bill 339, at which time Sections 3.1 and 4.1 of this bill shall become operative.

SEC. 6. It is the intent of the Legislature in enacting this act to improve and enhance public access to state and local agency meetings during the COVID-19 pandemic and future applicable emergencies, by allowing broader access through teleconferencing options consistent with the Governor's Executive Order No. N-29-20 dated March 17, 2020, permitting expanded use of teleconferencing during the COVID-19 pandemic.

SEC. 7. The Legislature finds and declares that Sections 3 and 4 of this act, which amend, repeal, and add Section 54953 of the Government Code, further, within the meaning of paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution, the purposes of that constitutional section as it relates to the right of public access to the meetings of local public bodies or the writings of local public officials and local agencies. Pursuant to paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution, the Legislature makes the following findings:

This act is necessary to ensure minimum standards for public participation and notice requirements allowing for greater public participation in teleconference meetings during applicable emergencies.

SEC. 8. (a) The Legislature finds and declares that during the COVID-19 public health emergency, certain requirements of the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of the Government Code) were suspended by Executive Order N-29-20. Audio and video teleconference were widely used to conduct public meetings in lieu of physical location meetings, and public meetings conducted by teleconference during the COVID-19 public health emergency have been productive, have increased public participation by all members of the public regardless of their location in the state and ability to travel to physical meeting locations, have protected the health and safety of civil servants and the public, and have reduced travel costs incurred by members of state bodies and reduced work hours spent traveling to and from meetings.

(b) The Legislature finds and declares that Section 1 of this act, which adds and repeals Section 89305.6 of the Education Code, Section 2 of this act, which adds and repeals Section 11133 of the Government Code, and Sections 3 and 4 of this act, which amend, repeal, and add Section 54953 of the Government Code, all increase and potentially limit the public's right of access to the meetings of public bodies or the writings of public officials and agencies within the meaning of Section 3 of Article I of the California Constitution. Pursuant to that constitutional provision, the Legislature makes the following findings to demonstrate the interest protected by this limitation and the need for protecting that interest:

(1) By removing the requirement that public meetings be conducted at a primary physical location with a quorum of members present, this act protects the health and safety of civil servants and the public and does not preference the experience of members of the public who might be able to attend a meeting in a physical location over members of the public who cannot travel or attend that meeting in a physical location.

(2) By removing the requirement for agendas to be placed at the location of each public official participating in a public meeting remotely, including from the member's private home or hotel room, this act protects the personal, private information of public officials and their families while preserving the public's right to access information concerning the conduct of the people's business.

SEC. 9. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the California Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to ensure that state and local agencies can continue holding public meetings while providing essential services like water, power, and fire protection to their constituents during public health, wildfire, or other states of emergencies, it is necessary that this act take effect immediately.

FAIRFIELD-SUISUN SEWER DISTRICT
RESOLUTION NO. 2021-13

**RESOLUTION OF THE FAIRFIELD-SUISUN SEWER DISTRICT BOARD OF DIRECTORS
AUTHORIZING REMOTE TELECONFERENCE MEETINGS
OF THE BOARD OF DIRECTORS
FOR THE PERIOD OCTOBER 25, 2021 THROUGH NOVEMBER 25, 2021
PURSUANT TO THE RALPH M. BROWN ACT**

WHEREAS, all meetings of the Fairfield-Suisun Sewer District Board of Directors and its legislative bodies are open and public, as required by the Ralph M. Brown Act (Gov. Code §§ 54950 – 54963, the “Brown Act”), so that any member of the public may attend, participate, and view the legislative bodies conduct their business; and

WHEREAS, Government Code section 54953(e) of the Brown Act makes provisions for remote teleconferencing participation in meetings by members of a legislative body, without compliance with the requirements of Government Code section 54953(b)(3), subject to the existence of certain conditions and requirements; and

WHEREAS, a required condition of Government Code section 54953(e) 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(b); and

WHEREAS, a further required condition of Government Code section 54953(e) is that state or local officials have imposed or recommended measures to promote social distancing, or, the legislative body holds a meeting to determine or has determined by a majority vote that meeting in person would present imminent risks to the health and safety of attendees; and

WHEREAS, on March 4, 2020, Governor Newsom issued a Proclamation of a State of Emergency declaring a state of emergency exists in California due to the threat of COVID-19, pursuant to the California Emergency Services Act (Government Code section 8625); and,

WHEREAS, on June 11, 2021, Governor Newsom issued Executive Order N-07-21, which formally rescinded the Stay-at-Home Order (Executive Order N-33-20), as well as the framework for a gradual, risk-based reopening of the economy (Executive Order N-60-20, issued on May 4, 2020) but did not rescind the proclaimed state of emergency; and,

WHEREAS, on June 11, 2021, Governor Newsom also issued Executive Order N-08-21, which set expiration dates for certain paragraphs of the State of Emergency Proclamation dated March 4, 2020 and other Executive Orders but did not rescind the proclaimed state of emergency; and,

WHEREAS, as of the date of this Resolution, neither the Governor nor the state Legislature have exercised their respective powers pursuant to Government Code section 8629 to lift the state of emergency either by proclamation or by concurrent resolution the state Legislature; and,

WHEREAS, the California Department of Industrial Relations has issued regulations related to COVID-19 Prevention for employees and places of employment. Title 8 of the California Code of Regulations, Section 3205(5)(D) specifically recommends physical (social) distancing as one of the measures to decrease the spread of COVID-19 based on the fact that particles containing the virus can travel more than six feet, especially indoors; and,

WHEREAS, based on the California Department of Industrial Relations' issuance of regulations related to COVID-19 Prevention through Title 8 of the California Code of Regulations, Section 3205(c)(5)(D), the Board of Directors finds that state or local officials have imposed or recommended measures to promote social distancing; and,

WHEREAS, Title 8 of the California Code of Regulations, Section 3205(c) requires the District to establish, implement and maintain a COVID-19 Prevention Program, which the District has done; and

WHEREAS, the District's COVID-19 Prevention Program either recommends or requires District employees to social distance or not to enter District facilities under certain circumstances; and

WHEREAS, the Board of Directors does hereby find that it and its legislative bodies may conduct their meetings by teleconferencing without compliance with Government Code section 54953(b)(3), pursuant to Section 54953(e), and that, when doing so, such legislative bodies shall comply with the requirements to provide the public with access to the meetings as prescribed by Government Code section 54953(e)(2).

NOW, THEREFORE, BE IT RESOLVED, BY THE BOARD OF DIRECTORS OF THE FAIRFIELD-SUISUN SEWER DISTRICT THAT:

1. All of the above recitals are true and correct and are incorporated into this Resolution by this reference.
2. The Board of Directors hereby proclaims that state officials have imposed or recommended measures to promote social (physical) distancing based on the California Department of Industrial Relations' issuance of regulations related to COVID-19 Prevention through Title 8 of the California Code of Regulations, Section 3205(c)(5)(D).

- 3. The Board of Directors, any one or all of its members, and any of its legislative bodies 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.
- 4. This Resolution shall take effect immediately upon its adoption and shall be effective until the earlier of (i) November 25, 2021, or (ii) 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 its legislative bodies may continue to teleconference without compliance with Section 54953(b)(3).

PASSED AND ADOPTED this 25th day of October 2021, by the following vote:

AYES: Directors _____

NOES: Directors _____

ABSENT: Directors _____

President

ATTEST: _____
District Clerk



FAIRFIELD-SUISUN SEWER DISTRICT

1010 Chadbourne Road • Fairfield, California 94534 • (707) 429-8930 • www.fssd.com

October 13, 2021

MEMORANDUM

TO: Executive Committee

FROM: Talyon Sortor, General Manager

SUBJECT: 2022 Board of Directors Meeting Schedule

Recommendation: Review and discuss the schedule in the attached resolution.

Background: Each year, the Board adopts a schedule for the regular meetings of the Executive Committee and the Board. The Board can schedule Special Meetings between Regular Meetings to conduct District business, if necessary.

Discussion: Regular Executive Committee meetings are scheduled for the 3rd Monday of each month and regular Board of Directors meetings are scheduled for the 4th Monday of each month. Based on past experiences, the Board of Directors has realized establishing a quorum may be difficult in August (Summer vacations), and December (Christmas Holiday). The Board has therefore not scheduled regular Board Meetings in these months.

The following alternative dates to the normal 3rd and 4th Mondays are proposed to avoid potential conflicts. In January move the Executive Committee and Board meetings out a week to avoid the Martin Luther King Holiday and CASA conference. In February move the Executive Committee and Board meetings up a week to avoid conflicting with the DC CASA conference. The Board of Directors Meeting would be on Presidents Day, February 21, 2021. In November move the Executive Committee meeting up a week to avoid Thanksgiving week.

The attached draft of Resolution No. 2021-15 shows a proposed schedule that minimizes potential conflicts.

Attachment: Resolution No. 2021-15, Establishing the Regular Meeting Schedule for 2022

FAIRFIELD-SUISUN SEWER DISTRICT
RESOLUTION NO. 2021-15

A RESOLUTION ESTABLISHING THE REGULAR MEETING SCHEDULE FOR 2022

WHEREAS, the Fairfield-Suisun Sewer District Act establishes a Board of Directors and the Board of Directors established an Executive Committee of the Board; and,

WHEREAS, the California State Legislature passed the Ralph M. Brown Act in 1953 guaranteeing the public’s right to attend and participate in meetings of local legislative bodies; and,

WHEREAS, Board of Directors desires to provide advanced notice to the public of its regular meetings;

NOW, THEREFORE, BE IT RESOLVED, BY THE BOARD OF DIRECTORS OF THE FAIRFIELD-SUISUN SEWER DISTRICT THAT:

- 1) Table 1 is the adopted schedule for regular meetings of the Board of Directors and the Executive Committee for 2022.

Table 1

Month	Executive Committee	Board of Directors
January	4:30 pm, Monday, January 24	6:00 pm, Monday, January 31
February	4:30 pm, Monday, February 14	6:00 pm, Monday, February 21
March	4:30 pm, Monday, March 21	6:00 pm, Monday, March 28
April	4:30 pm, Monday, April 18	6:00 pm, Monday, April 25
May	4:30 pm, Monday, May 16	6:00 pm, Monday, May 23
June	4:30 pm, Monday, June 20	6:00 pm, Monday, June 27
July	4:30 pm, Monday, July 18	6:00 pm, Monday, July 25
August	No Meeting	No Meeting
September	4:30 pm, Monday, September 19	6:00 pm, Monday, September 26
October	4:30 pm, Monday, October 17	6:00 pm, Monday, October 24
November	4:30 pm, Monday, November 14	6:00 pm, Monday, November 28
December	No Meeting	No Meeting

- 2) All the above meetings shall be held at the District Administrative offices at 1010 Chadbourne Road, Fairfield, California.
- 3) The General Manager is hereby authorized and directed to take all steps necessary and proper to implement this resolution in accordance with District policies and procedures.

PASSED AND ADOPTED this 25th day of October 2021, by the following vote:

AYES: Directors _____

NOES: Directors _____

ABSENT: Directors _____

President

ATTEST: _____
District Clerk



FAIRFIELD-SUISUN SEWER DISTRICT

1010 Chadbourne Road • Fairfield, California 94534 • (707) 429-8930 • www.fssd.com

Board of Director Meeting Agenda

Board of Directors

- Lori Wilson, President
- Chuck Timm, Vice President
- Jane Day
- Alma Hernandez
- Mike Hudson
- Doriss Panduro
- Harry Price
- Scott Tonnesen
- Rick Vaccaro
- Wanda Williams
- Pam Bertani, First Alternate
- Catherine Moy, Second Alternate

Meeting Date: Monday, October 25, 2021

Meeting Place: 1010 Chadbourne Road
Fairfield, California

Meeting Time: 6:00 p.m.

1. Roll Call
2. Pledge of Allegiance
3. Public Comments
4. Director Comments
5. General Manager Report

6. Consent Calendar:	<u>Page</u>
(a) Adopt Resolution No. 2021-13 Authorizing Public Meetings to be held via Teleconference.....	#
(b) Approve Board Minutes of September 27, 2021	#
(c) Adopt Plans and Specification for Primary Clarifier Rehabilitation No. 2 and 4 Project and Authorize District Engineer to Award and Execute Construction Contract.....	#
(d) Resolution No. 2021-14 Authorizing the General Manager to Execute and Deliver a Joint Community Facilities Agreement in Connection with the Bond Opportunities for Land Development (BOLD) Program.....	#
(e) Adopt Resolution No. 2021-15 2022 Board of Directors Meeting Schedule	#
7. Discussion Items:	
(a) Report on Fairfield-Suisun Collection System Asset Management Plan	#
8. Action Items:	
9. Information Items:	
(a) Quarterly Investment Report.....	#
(b) Board Calendar	#

-- End of Agenda --

Teleconference Notice: Consistent with AB 361 regarding public meetings during the COVID-19 Emergency, Directors may attend the meeting telephonically or by teleconference and the meeting may be accessible telephonically or otherwise electronically to members of the public.

Zoom meeting Join on your computer or mobile app [Click here to join the meeting](#)
Or call in (audio only) (346) 248-7799 or (720) 707-2699 Phone Webinar ID: 816 4246 2242# Passcode: 154372

The Fairfield-Suisun Sewer District will provide reasonable disability-related modification or accommodation to a person with a disability who requires a modification or accommodation in order to participate in the meeting of the Board of Directors. Please contact the District at (707) 429-8930 at least 48 hours before the meeting if you require such modification or accommodation.

Documents that are disclosable public records required to be made available under California Government Code Section 54957.5 (b) (1) and (2) are available to the public for inspection at no charge during business hours at our administrative offices located at the above address.

Members of the public may speak on any matter within the jurisdiction of the Fairfield-Suisun Sewer District by identifying themselves at the beginning of the meeting. Comments not listed on the agenda will be taken under Public Comments. Comments on matters appearing on the agenda will be taken during consideration of the item.



FAIRFIELD-SUISUN SEWER DISTRICT

1010 Chadbourne Road • Fairfield, California 94534 • (707) 429-8930 • www.fssd.com

October 13, 2021

MEMORANDUM

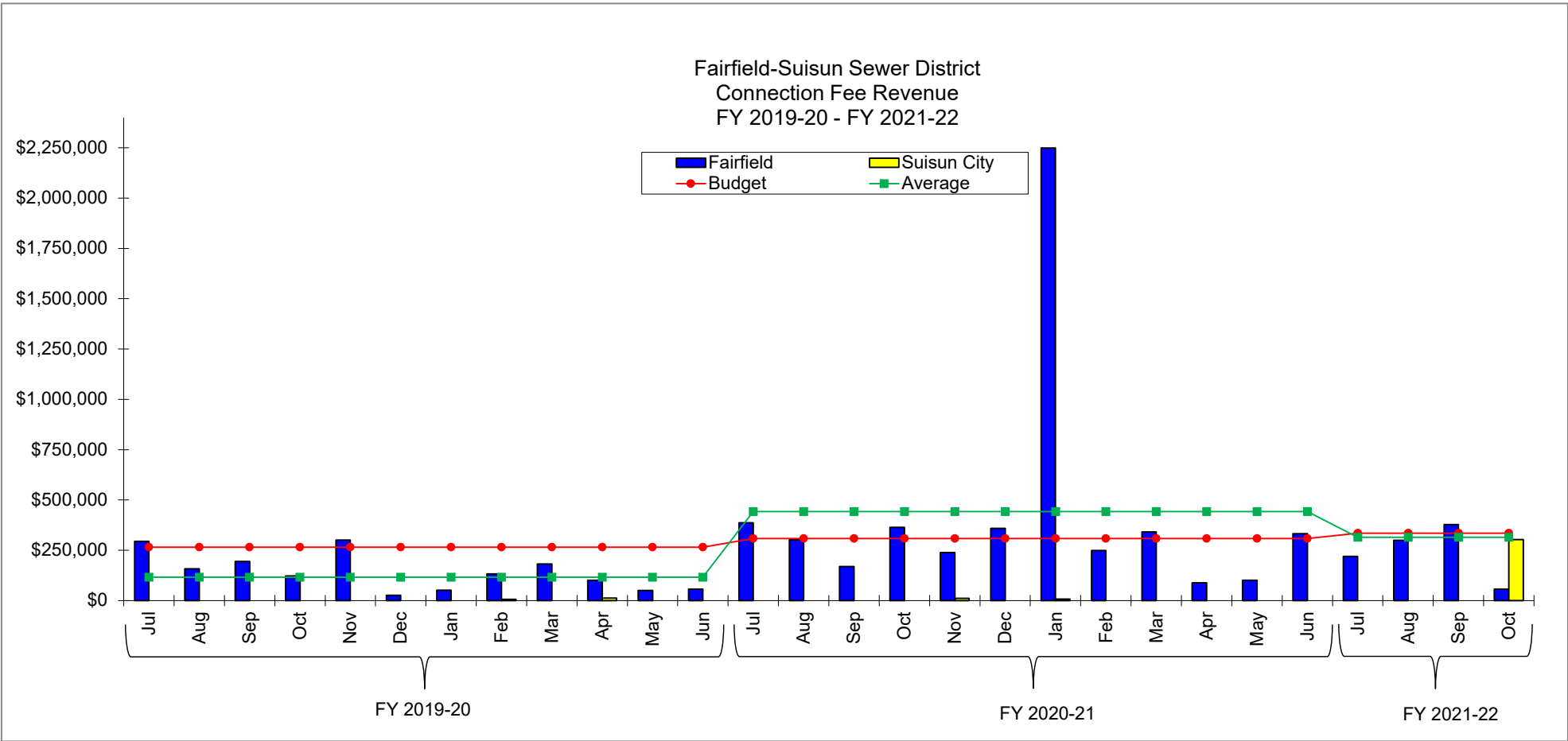
TO: Executive Committee

FROM: Brian Hawley, Regulatory Compliance Manager

SUBJECT: Operating Data Summary – Through September 2021

Daily Numbers:	August	September
Influent Flow Daily Average	11.15 MGD	10.97 MGD
Recycled Flow Daily Average	1.575 MGD	1.905 MGD
Permit Excursions	0	0
TSS Daily Average Influent	261 mg/L	273mg/L
BOD Daily Average Influent	292 mg/L	292 mg/L
TSS Daily Average Effluent	< 0.5 mg/L	< 0.5 mg/L
BOD Daily Average Effluent	1.36 mg/L	1.41 mg/L

Annual Numbers:	Jan-Sept
Influent Flow Daily Average	11.95 MGD
Recycled Flow Daily Average	1.088 MGD
Permit Excursions	0



Note: January 2021 revenue from the City of Fairfield totaled \$2,247,480. This increase was primarily driven by multi-family connections at 4501 Business Center Drive and 2400 Village Square Blvd, as well as residential connections near the Vacaville Junction.

FAIRFIELD-SUISUN SEWER DISTRICT**MINUTES**1010 Chadbourne Road • Fairfield, California 94534 • (707) 429-8930 • www.fssd.com**Board of Directors Meeting Minutes**

Date: Monday, September 27, 2021

Meeting Place: 1010 Chadbourne Road, Fairfield, California

Meeting Time: 6:00 p.m.

The meeting was called to order at 6:00 p.m. by President Wilson. President Wilson presided over the meeting.

1. Roll Call – the following members present: Directors Hernandez, Hudson, Panduro, Price (6:17 p.m.), Tonnesen, Vaccaro, Williams, Wilson and by teleconference: Directors Bertani and Day. Director Timm was absent. Alternate Director Bertani filled in for Director Timm.
2. Pledge of Allegiance was led by Director Vaccaro.
3. Public Comments – No comment.
4. Director Comments/CASA Report – Directors Hernandez, Hudson, Panduro, Price, Tonnesen, Vaccaro, Williams and Wilson gave oral reports on the CASA 2021 Annual Conference.
5. General Manager Report – General Manager Sortor introduced two new hires. Senior Engineer Irene O’Sullivan came to the District with great experience from Delta Diablo. IT Manager Danny Fortson came from Golden Gate University. The District continues to follow all OSHA requirements for Covid-19 and has asked staff to voluntarily wear masks indoors even if vaccinated. Director of Administrative Services James Russell-Field continues working to resolve the social security issue. Coast and Creek Clean Up was held September 18, 2021, with over 550 volunteers removing over 6400 lbs of trash and 200 lbs of recyclables from our waterways and surroundings in Fairfield, Suisun City and Suisun marsh. Junior Engineer Lexi Valenti shared notable numbers and pictures from the event. James Russell-Field reported on the Fee Deferral Agreement signed with the City of Fairfield, along with Solano County, for an affordable housing development by MidPen Housing. Human Resources Manager Kimberly Young briefed on the upcoming Water Professionals Appreciation Week October 2-10, 2021, to which President Wilson signed a proclamation.
6. Consent Calendar
 - (a) Approve Minutes of Board of Directors Meeting July 26, 2021.
 - (b) Award Design Contract for Electrical Replacement Project Phase 2
 - (c) Approve Amendment to Agreement with Rancho Tolenas for Construction of the Northeast Fairfield Pump Station

Upon motion by Director Vaccaro, seconded by Director Williams, the Consent Calendar was approved/adopted by the following roll call vote:

AYES: Bertani, Day, Hernandez, Hudson, Panduro, Price, Tonnesen,

Vaccaro, Williams, Wilson
NOES: None
ABSENT: Timm
ABSTAIN: None

7. Discussion Items – None

8. Action Items

(a) Approve Amendment to Lystek Agreement and Report on 5-year Operations

District Engineer Jordan Damerel presented a PowerPoint presentation on Lystek 5-year Operations and substantive changes proposed in the amendment to the Lease Agreement that partially recognizes Lystek’s increased processing costs, while making other changes that benefit the District’s biosolids operation. The amendment provides significantly more flexibility for the District to divert solids to another processor should a cheaper option become available in the future. Tours of the facility was extended by Jim Dunbar of Lsytek.

After questions on recycled water and much discussion from the Board, a motion was set by Director Williams, seconded by Director Hudson. Action Item 8a was approved by the following roll call vote:

AYES: Bertani, Day, Hernandez, Hudson, Panduro, Price, Tonnesen,
Vaccaro, Williams, Wilson
NOES: None
ABSENT: Timm
ABSTAIN: None

9. Information Items

(a) Board Calendar – No comment.

The meeting adjourned at 7:21 p.m.

Respectfully submitted,

President

ATTEST:

District Clerk



FAIRFIELD-SUISUN SEWER DISTRICT

1010 Chadbourne Road • Fairfield, California 94534 • (707) 429-8930 • www.fssd.com

October 13, 2021

FI-210

MEMORANDUM

TO: Executive Committee

FROM: James Russell-Field, Director of Administrative Services

SUBJECT: Quarterly Investment Report

Attached is the District's Quarterly Investment Report (Attachment 1) for the quarter ended September 30, 2021. District investment portfolio conforms to the District's Investment Policy as re-adopted by the Board of Directors at its meeting on May 24, 2021.

The District's cash balances represent operating and reserve funds, held in short-term and medium-term instruments, and will enable the District to meet its anticipated cash flow requirements.

At the end of the quarter, the District closed a Wells Fargo Money Market account totaling \$1,752,936. The Wells Fargo Money Market account was used as a liquid investment, and yields averaged only 0.01 percent over the previous twelve months, compared to 0.47 percent for the State Local Agency Investment Fund (LAIF). Although yield is not the primary objective of public funds investing, LAIF consistently provides a more attractive yield as well as identical liquidity and security for District funds. This eliminated the need to invest using the Wells Fargo Money Market account.

Future investments of District funds will continue to utilize LAIF and the California Asset Management Program (CAMP) based on the objectives, in primary order, of safety, liquidity, and yield.

Attachment: Quarterly Investment Report

**FAIRFIELD-SUISUN SEWER DISTRICT
INVESTMENT REPORT
FOR THE QUARTER ENDED SEPTEMBER 30, 2021**

Asset Detail						
Instrument	Date of Maturity		Par Value	Market Value	Market Yield	Estimated Annual Income
California Asset Mgt Program (CAMP)	Various		\$ 21,761,013	\$ 22,134,348	0.610%	\$ 132,742
State Local Agency Investment Fund	N/A		34,170,233	34,165,916	0.216%	73,808
Totals			\$ 55,931,246	\$ 56,300,263		\$ 206,550

Summary of Portfolio Securities	
	Market Value
California Asset Mgt Program (CAMP)	\$ 22,134,348
State Local Agency Investment Fund	34,165,916
	\$ 56,300,263

Maturity Distribution	
	Market Value
0 - 12 months	\$ 36,673,737
1 - 2 years	4,940,386
2 - 3 years	5,000,149
3 - 4 years	5,281,255
4 - 5 years	4,404,735
	\$ 56,300,263

NOTES:

Par Value is the nominal or face value of a bond, or coupon as indicated on a bond certificate. It is a static value determined at the time of issuance.

Market Yield is an approximation of the gross income an asset is projected to earn annually, expressed as a percentage of the asset's market value.

Market Value an estimate of the value at which the principal would be sold from a willing seller to a willing buyer.

Market Values, Current Yields and Estimated Annual Income are from the following sources:

- Local Agency Investment Fund monthly statement
- Wells Fargo Bank monthly account statement
- California Asset Management Program statement

All investments are in compliance with the District's current investment policy. The District has sufficient funds to meet its expense requirements for the next three months.

Prepared by

James Russell-Field

10/13/2021

Date

Fairfield-Suisun Sewer District

Contemplated Board of Directors Agenda Items

October 25, 2021

Month Year	Contemplated Board of Directors Meeting Agenda Items	Executive Committee	Board of Directors
November 2021	<ol style="list-style-type: none"> 1. Report on Financial Audit for FY 2020/2021 2. Receive Final Annual Financial Report for FY 2020/2021 	11/15/2021	11/22/2021
December 2021		Not Scheduled	Not Scheduled
January 2022	<ol style="list-style-type: none"> 1. Quarterly Investment Report 2. Award Construction Contract for HVAC Rehabilitation Project 3. Award Construction Contract for 2022 Major Maintenance Project 	1/24/2022	1/31/2022
February 2022	<ol style="list-style-type: none"> 1. General Manager Performance Meeting (Exec Comm) 	2/14/2022	2/21/2022
March 2022	<ol style="list-style-type: none"> 1. Award Construction Contract for Electrical Replacement Project Phase 2 2. Award Construction Contract for 2022 Building Roofing Rehab Project 3. Award Construction Contract for Bioenergy Generation Project 	3/21/2022	3/28/2022
April 2022	<ol style="list-style-type: none"> 1. Quarterly Investment Report 2. Award Construction Contract for Peabody/Walters Relief Sewer Phase 1B 	4/18/2022	4/25/2022
May 2022	<ol style="list-style-type: none"> 1. Adopt Resolution approving budget 2. Adopt Resolution approving Employee Salary Schedule 3. Review updates and approve Investment Policy 4. Review Board Compensation 	5/16/2022	5/23/2022
June 2022	<ol style="list-style-type: none"> 1. Board Workshop 2. General Manager Performance Review 	6/20/2022	6/27/2022
July 2022	<ol style="list-style-type: none"> 1. Quarterly Investment Report 	7/18/2022	7/25/2022