



# Santa Clara Valley Water District

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**File No.:** 20-0395

**Agenda Date:** 4/28/2020

**Item No.:** 4.1.

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## BOARD AGENDA MEMORANDUM

### **SUBJECT:**

Discuss Conducting Board and Committee Meetings in Consideration of the COVID-19 Pandemic and Current Shelter in Place Orders.

### **RECOMMENDATION:**

- A. Discuss parameters for Conducting Board and Committee Meetings in consideration of the COVID-19 Pandemic and current Shelter in Place Orders; and
- B. Provide direction to staff.

### **SUMMARY:**

This item allows the Board to discuss the necessity of and methods to use for conducting Board and Board Committee meetings moving forward during this unprecedented time and provide clear direction to staff.

### **Background**

On March 18, 2020, in response to Governor Newsom's Executive Order authorizing local legislative bodies to hold public meetings via teleconferencing and to make public meetings accessible telephonically or otherwise electronically to all members of the public seeking to attend and to address the legislative body, and in compliance with State of California (State) and Santa Clara County's (County) current Shelter in Place Orders, the Board took the following action:

1. Limited closed sessions to those items that allow the Board to retain a CEO in a timely manner to ensure the continuity of leadership guiding the District through the impacts of this COVID-19 crisis, and other items that are necessary for the financial stability of the District;
2. Cancelled scheduled Board meetings from March 19, 2020 through April 27, 2020, consolidating all necessary business items onto the April 28, 2020 agenda and April 29<sup>th</sup> special Board Budget Hearing session;
3. Agreed to conduct necessary Board meetings via teleconferencing and/or electronically;
4. Cancelled all Board Committee meetings through the end of April;
5. Reserved ability to call for Special Meeting for urgent items, if needed.

Since this action, the State and County have extended the Shelter in Place Order to May 3, 2020, with a possibility it may be extended even longer.

During the March meeting, the Board agreed that the Shelter in Place Order impacts were:

1. Members of the public may not travel by any means unless such travel complies with the County order;
2. Members of the public attending a public meeting of the District Board at a District facility is not an essential activity as defined by the County order;
3. Section 10.d. of the County's order leaves it to each governmental entity to determine essential governmental functions;
4. The County order is enforceable by law enforcement as a misdemeanor.

It was agreed that District should not be inviting violation of law by members of the public to physically attend public meetings at district facilities in contravention of the Shelter in Place Orders. In the same vein, the District should not be ordering its own employees to engage in non-essential travel.

#### **Staff's Recommendation**

Since the Shelter in Place Order has not been revised, only extended, staff recommends:

1. The Board hold only the regularly scheduled monthly Board meetings for the duration of any State or County Shelter in Place Order, including any order date modifications;
2. Add the Project Labor Agreement item to the May 26, 2020 Board meeting agenda;
3. Reserve ability to call for Special Board Meetings for urgent items, if needed;
4. Cancel all Board Committee meetings for the duration of any State or County Shelter in Place Order, except for those Joint Board Committees that are required to convene to meet Joint Agreement provisions; and
5. If a subject assigned to a Board Committee requires action prior to the Shelter in Place termination, that subject will be brought to the full Board for consideration.

#### **FINANCIAL IMPACT:**

Office of the Clerk of the Board has funds in the Fiscal Year 2020 Budget to support Board and Committee meetings.

#### **CEQA:**

The recommended action does not constitute a project under CEQA because it does not have the potential for resulting in direct or reasonably foreseeable indirect physical change in the environment.

#### **ATTACHMENTS:**

None.

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