



## Vina Groundwater Sustainability Agency

308 Nelson Avenue  
Oroville, CA 95965  
(530) 552-3592

Agenda Prepared: 4/9/2022

Agenda Posted: 4/9/2022

Prior to: 4:00 p.m.

### Board Members:

Evan Tuchinsky, Chair  
Jeff Rohwer, Vice-Chair  
Raymond Cooper  
Tod Kimmelshue  
Kasey Reynolds

## VINA GROUNDWATER SUSTAINABILITY AGENCY SPECIAL BOARD MEETING

Meeting Agenda

April 13, 2022, 4:00 p.m.-6:00 p.m.

**(Please note new time).**

**ONLINE MEETING VIA ZOOM**

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Any materials related to an item on this Agenda are available for public inspection online at <https://www.vinagsa.org/>

### **PUBLIC PARTICIPATION:**

This closed session meeting will be held online using the Zoom format. Members of the public will be placed in a waiting room during the closed session and will be admitted to the meeting when open session reconvenes. Please use the following information to remotely view and participate in this meeting online:

#### **ZOOM MEETING INFORMATION:**

To access the live meeting, you have the following options:

1. Join Zoom Meeting
  - a. <https://us02web.zoom.us/j/86983600705>
2. From a web browser <https://zoom.us/join>
  - a. When prompted, use Meeting ID: 869 8360 0705
3. Directly from your mobile phone you can tap:
  - a. +16699006833, 86983600705# US (San Jose)
4. Dial-in using your landline or mobile phone to:
  - a. 1 669 900 6833
  - b. When prompted, use Meeting ID: 869 8360 0705

Please note that when you access the meeting, **you will be placed into a waiting room and admitted** into the meeting by the Meeting Host. You will also be placed on mute.

#### **PUBLIC COMMENT INFORMATION:**

All members of the public may address the GSA Board on the closed session item(s) during Public Comment, prior to the start of the closed session. For a Zoom only meeting, members of the public can submit public comment in one of two ways:

1. **EMAIL TO [VINAGSAPUBLICCOMMENTS@CHICOCA.GOV](mailto:VINAGSAPUBLICCOMMENTS@CHICOCA.GOV).** When submitting public comment via email, please indicate the item number your comment corresponds to in the subject line. Comments submitted will be sent to the full GSA Board members electronically prior to the start of the meeting. At the meeting, email comments will be acknowledged and read into the record by name only during the public comment period prior to the start of the closed session. Comments received after closed session will be made part of the written record if received prior to the end of the meeting.

2. **VERBALLY VIA ZOOM APPLICATION OR BY TELEPHONE.** A member of the public may indicate their intent to speak by raising their hand any time prior to the beginning of the closed session. Speakers will be called upon by the Chair and unmuted by the Meeting Host.
    - a. If attending by Zoom application please click the “raise hand button”.
    - b. If attending by telephone dial \*9 to raise your hand. \*6 to mute/unmute yourself.
    - c. *Verbal comments will be limited to one comment per item, per attendee for no more than three (3) minutes, unless the Board Chair specifies a different time limit.*
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**VINA GROUNDWATER SUSTAINABILITY AGENCY  
SPECIAL BOARD MEETING AGENDA  
APRIL 13, 2022**

1. **VINA GROUNDWATER SUSTAINABILITY AGENCY (GSA) SPECIAL BOARD MEETING**

1.1. Call to Order - Chair Tuchinsky

1.2. Roll Call

2. **CONSENT AGENDA:**

2.1. **ADOPTION OF A RESOLUTION RENEWING AUTHORIZATION TO CONDUCT TELECONFERENCE MEETINGS FOR BOTH THE VINA GSA BOARD AND STAKEHOLDER ADVISORY COMMITTEE (SHAC) MEETINGS.**

The Vina GSA Board will consider a resolution finding that the state of the COVID-19 emergency still exists, and the Board renews its prior authorization that meetings of the GSA Board and its Stakeholder Advisory Committee may be held by teleconference as authorized by subdivision (e)(1)(C) of section 54943 of the Government Code.

**Action:** Adopt the following resolution:

**RESOLUTION OF THE VINA GROUNDWATER SUSTAINABILITY AGENCY BOARD RENEWING THE AUTHORIZATION TO CONDUCT REMOTE TELECONFERENCE MEETINGS OF THE BOARD AND ITS STAKEHOLDER ADVISORY COMMITTEE FOR 30 DAYS PURSUANT TO THE RALPH M. BROWN ACT AND CALIFORNIA ASSEMBLY BILL 361.**

3. **CLOSED SESSION PUBLIC COMMENTS OR BOARD DISQUALIFICATIONS:**

Members of the public may address the Board at this time on the closed session item; comments are limited to three minutes, or time limit as determined by the Chair.

4. **ADJOURN TO CLOSED SESSION:**

4.1. **PURSUANT TO GOVERNMENT CODE SECTION 54956.9(d)(1) - CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION - AQUALLIANCE, CALIFORNIA WATER IMPACT NETWORK, AND CALIFORNIA SPORTFISHING PROTECTION ALLIANCE VS. VINA GROUNDWATER SUSTAINABILITY AGENCY.**

5. **CLOSED SESSION ANNOUNCEMENT:**

Report any action taken during the closed session.

6. **ADJOURNMENT:**

The meeting will adjourn to a Special Meeting of the Vina GSA Board to be held on **April 20, 2022, at 4:00 p.m.** in the Council Chamber of the Chico Municipal Center building located at 421 Main Street, Chico, California. The meeting will also be held on Zoom.



Please contact the City of Chico Public Works Department at (530) 894-4200 if you require an agenda in an alternative format or if you need to request a disability-related modification or accommodation. This request should be received at least three working days prior to the meeting.



**Vina  
Groundwater Sustainability Agency  
Agenda Transmittal**

**Agenda Item: 2.1**

**Subject:** Resolution renewing the authorization of Teleconference Meetings

**Contact:** Linda Herman

**Phone:** 530.896.7800

**Meeting Date:** 4/13/22

**Consent Agenda**

**Department Summary:**

On September 16, 2021, Governor Newsom signed AB 361 to amend the Brown Act to allow legislative bodies to meet via teleconference during a proclaimed state of emergency in accordance with procedures established by AB 361 rather than under the Brown Act's more narrow standard rules. If the Vina GSA Board desires to continue to have the Board and its Stakeholder Advisory Committee (SHAC) the ability to meet remotely via teleconference without meeting the narrower standard Brown Act rules, the Vina GSA Board is required to adopt a resolution making the findings required by AB 361.

The Vina GSA Board may meet using the alternative rules of AB 361 if there is (1) a current state of emergency declared by the Governor pursuant to California Government Code section 8625 and either (2) state or local officials have imposed or recommended measures to promote social distancing or (3) the Vina GSA Board has met or is meeting to decide by a majority vote that meeting in person presents imminent risks to the health or safety of attendees.

On March 4, 2020, Governor Gavin Newsom issued a Proclamation of State of Emergency. Additionally, the Centers for Disease Control indicates that COVID-19 is a highly transmissible virus that is spread when an infected person breathes out droplets and very small particles that contain the virus, and such droplets and particles are breathed in by other people. Since June of 2021, more infectious variants of the virus, known as the Delta and Omicron Variants, have emerged and now accounts for the vast majority of COVID-19 cases.

Based on the state of emergency and the potential imminent risks to attendees of in-person meetings, the Vina GSA Board authorized tele/video conference meetings for both the Board and its SHAC at its meeting on 10/13/21 for 30-days. To continue conducting remote meetings after the 30-days, AB 361 requires that the Board redetermine whether the state of emergency still exists.

Therefore, the Board will consider the attached resolution making the following findings:

1. The Governor's COVID-19 State of Emergency Declaration issued on March 4, 2020, proclaiming a State of Emergency in the State of California still exists.
2. That the Board desires to renew its authorization to conduct meetings via tele/video conference for all Regular and Special Meetings of the Board and the SHAC for the 30 days following this resolution, in accordance with Government Code Section 54953(e)(1)(C) and other applicable provisions of the Brown Act.

The resolution does not require the Vina GSA Board to hold meetings via teleconference, but rather provides it as an option if so needed. If the teleconference meeting authorization renewal is not approved by a majority vote of the Board, tonight's meeting will continue, but future Vina GSA Board and SHAC meetings will be in-person only meetings.

**Fiscal Impact:** None

**Staff Recommendation:** The Management Committee recommends approval of the following Resolution:

RESOLUTION OF THE VINA GROUNDWATER SUSTAINABILTY AGENCY BOARD RENEWING THE AUTHORIZATION TO CONDUCT REMOTE TELECONFERENCE MEETINGS OF THE BOARD AND ITS STAKEHOLDER ADVISORY COMMITTEE FOR 30 DAYS PURSUANT TO THE RALPH M. BROWN ACT AND CALIFORNIA ASSEMBLY BILL 361.

**Attachment 1:** - AB361 Renewal Resolution

**RESOLUTION NO. 02-22**

**RESOLUTION OF THE VINA GROUNDWATER SUSTAINABILITY AGENCY BOARD RENEWING THE AUTHORIZATION TO CONDUCT REMOTE TELECONFERENCE MEETINGS OF THE BOARD AND ITS STAKEHOLDER ADVISORY COMMITTEE FOR 30 DAYS PURSUANT TO THE RALPH M. BROWN ACT AND CALIFORNIA ASSEMBLY BILL 361.**

**WHEREAS**, all meetings of the Vina Groundwater Sustainability Agency Board (“Board”) and its Stakeholder Advisory Committee (“SHAC”) are open and public, as required by the Ralph M. Brown Act (Cal. Gov’t Code section 54950 *et seq.*), so that any member of the public may attend, participate, and view the SHAC’ conduct while conducting their business; and

**WHEREAS**, the Brown Act, Government Code section 54953(e), 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**, Government Code section 54953(e) requirements include but are not limited to (1) the existence of a state of emergency declared by the Governor pursuant to Government Code section 8625 and (2) State or local officials have imposed or recommended measures to promote social distancing; and

**WHEREAS**, on March 4, 2020, Governor Gavin Newsom issued a Proclamation of State of Emergency in response to the COVID-19 pandemic and as of the date of this Resolution, the proclaimed state of emergency remains in effect; and

**WHEREAS**, on March 17, 2020, Governor Newsom issued Executive Order N-29-20, which suspended and modified the teleconferencing requirements under the Brown Act (California Government Code Section 54950 *et seq.*) to allow local legislative bodies to hold public meetings via teleconference; and

**WHEREAS**, on June 11, 2021, the Governor issued Executive Order N-08-21, which extended the provisions of N-29-20 concerning the conduct of public meetings through September 30, 2021, and the Governor subsequently signed legislation revising Brown Act requirements for teleconferenced public meetings (Assembly Bill 361, referred to hereinafter as “AB 361”); and

**WHEREAS**, the Board has considered the circumstances of the continued state of emergency, including all information related to this matter, the associated staff report and other information relating to COVID-19, its variants, and AB 361; and

**WHEREAS**, based on the foregoing, the Board finds that meeting in person could pose imminent health and safety risks to attendees; and

**WHEREAS**, on 3/09/22, the Board reauthorized conducting remote tele/video conference meetings for both the Board and its SHAC without compliance with Government Code section 54953(b)(3) pursuant to section 54953(e), and authorized such meetings to comply with the requirements to provide the public with access to the meetings as prescribed by section 54953(e)(2); and

**WHEREAS**, the Board desires to continue to have the flexibility to conduct remote tele/video conference meetings of the Board and its SHAC.

**NOW, THEREFORE, BE IT RESOLVED**, by the Board of Directors of the Vina GSA hereby finds as follows:

1. The facts set forth in the above recitals are true and correct and incorporated into this resolution by reference.

2. Pursuant to the Governor's COVID-19 State of Emergency Declaration issued on March 4, 2020, the proclaimed State of Emergency in the State of California still exists.
3. That the Board renews its authorization to conduct meetings via tele/video conference for all Regular and Special Meetings of the Board and the SHAC for the 30 days following this resolution, in accordance with Government Code Section 54953(e)(1)(C) and other applicable provisions of the Brown Act.
4. This Resolution shall take effect immediately upon its adoption and shall be effective for 30 days, or at such time the Board adopts a subsequent resolution in accordance with Government Code section 54953(e)(3) to extend the time during which the Board and its SHAC may continue to teleconference without compliance with Section 54953(b)(3) of the Brown Act.

**THIS RESOLUTION IS PASSED AND ADOPTED** by the Vina Groundwater Sustainability Agency Board this 13<sup>th</sup> day of April 2022, by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

\_\_\_\_\_  
Evan Tuchinsky, Chair  
Vina Groundwater Sustainability Agency

**ATTEST:**

By: \_\_\_\_\_  
Linda Herman, Management Committee Member  
Vina Groundwater Sustainability Agency