

# **SAN DIEGO COUNTY CITRUS PEST CONTROL DISTRICT**

**420 South Broadway, Escondido, CA 92025**

**Regular Board of Director's Meeting**

**Thursday, October 5<sup>th</sup>, at 1:00 p.m.**

Warren Lyall, President  
Laurie Kariya, Vice President  
Greg Kamin, Secretary/ Treasurer  
Tim Lyall, Vice-Secretary/Treasurer

## **AGENDA**

**ROLL CALL** – Determination of Quorum

**APPROVAL OF AGENDA** – At its option, the Board may approve the agenda, delete an item, reorder items and add/or an item to the agenda per the provisions of Government Code §54954.2.

**PUBLIC COMMENT** – Opportunity for members of the public to address the Board on matters within the Board's jurisdiction, inquiries pertaining to an item on the agenda will be received during deliberation on that agenda item. No action can be taken unless specifically listed on the agenda (Government Code §54954.3).

**CONSENT CALENDAR** - Consent calendar items will be voted on together by a single motion unless separate action is requested by a Board member, staff, or member of the audience.

1. Minutes of the Regular Board Meeting held September 7<sup>th</sup>, 2023
2. Audit demands and wire disbursements
3. Treasurer's report
4. Make findings necessary to continue teleconferenced meetings pursuant to AB 361

## **ACTION AGENDA**

5. Financial Statements and Report
  - a. Independent Auditors' Report by Paul Kaymark, Nigro and Nigro
  - b. Discussion
  - c. Vote to approve report as presented

6. 2023/2024 Assessment Final Levy Report – NBS
7. Ant Management Workshop Overview
  - a. Formally request approval of baiting method by the Agricultural Commissioner (thiamethoxam hydrogel baiting applications)
8. Enforcement Ordinance 2023-1
  - a. Final Draft
  - b. Discussion
  - c. Audience Questions/Comments
  - d. Vote to amend/adopt

## **SPECIAL REPORTS**

9. Financial reports
  - a. Reports
  - b. Discussion
  - c. Audience Questions/Comments
  - d. Approve checks to be issued
  - e. Informational item only
10. Manager report
  - a. Report
  - b. Discussion
  - c. Audience Questions/ Comments
  - d. Informational item only
11. Liaison Reports
  - a. Report
  - b. Discussion
  - c. Audience Questions/ Comments
  - d. Informational item only
12. Agriculture Weights and Measures Department Reports
  - a. Report
  - b. Discussion
  - c. Audience Questions/Comments
  - d. Informational item only
13. Other Business, next tentative meeting date November 2<sup>nd</sup>, 2023
14. Adjournment

*NOTE: In compliance with the Americans with Disabilities Act, if special assistance is needed to participate in the Board meeting, please contact the General Manager at (951) 334-7611 at least 48 hours before the meeting to enable the District to make reasonable accommodations.*

*Any writings or documents provided to a majority of the members of the San Diego County Citrus Pest Control District Board of Directors regarding any item on this agenda will be made available for public inspection upon request by contacting the office of the District at 951-334-7611.*

TO: Honorable Chair and Board of Directors

FROM: Enrico Ferro, General Manager

SUBJECT: MAKE FINDINGS NECESSARY TO CONTINUE TELECONFERENCED BOARD MEETINGS PURSUANT TO ASSEMBLY BILL 361

PURPOSE:

Approve a motion making findings necessary to continue holding remote/teleconferenced Board Meetings pursuant to Assembly Bill 361 (copy attached).

SUMMARY:

The Brown Act generally allows for Board members to join a meeting by teleconference provided that the physical locations of the Board members joining by teleconference are posted on the agenda, that those locations are open to the public to attend and participate in the meeting, and that a quorum of the members is participating from within the agency's boundaries. Since March 2020 and the issuance of Executive Order N-29-20, executed on March 17, 2020, which suspended certain portions of the Brown Act relating to teleconferencing at the outset of the COVID-19 pandemic, the Board has held fully or partially virtual meetings without having to post the location of the Board members attending remotely, while also allowing members of the public to attend and participate in the meeting remotely. In June 2021, Governor Newsom issued Executive Order N-0821, which provided that certain provisions of Executive Order N-29-20 would be withdrawn and certain provision regarding public meetings would be extended. On September 15, 2021, Governor Newsom signed AB 361 into law.

AB 361 provides an exception to the standard Brown Act teleconferencing procedures in order to allow for fully or partially virtual meetings during proclaimed emergencies, without posting each Board member's teleconference location on the agenda or requiring other standard Brown Act teleconferencing procedures. Finally, Executive Order N-15-21, executed on September 20, 2021, set forth the method of securing initial compliance with SB 361.

Circumstances Under Which Agencies May Use AB 361;

Under Government Code section 54953(e), which was adopted by AB 361(copy attached), the Board can hold meetings without providing notice of the body's teleconference locations other standard Brown Act teleconferencing procedures if there is a Governor-proclaimed state of emergency (Executive Order N-15-21, Executed March 20, 2020 extended by Executive Order N-08-21, Executed June 11,2021) and one of two secondary criteria listed below exists:

State or local officials have imposed or recommended measures to promote social distancing ("Health Officer Teleconferencing Recommendation," executed by Wilma Wooten, September 23, 2021): or

The legislative body determines that requiring a meeting in person would present an imminent risk to the health and safety of attendees.

Currently, the Governor's declaration of a COVID-19 State of Emergency remains in effect. Further, state and local health officials continue to recommend or require social distancing, particularly under certain circumstances, including individuals who have recently tested positive for COVID-19 or been in close proximity to a person who has tested positive for COVID-19. In addition, on September 23, 2021, the San Diego County Public Health Officer issued a Teleconferencing Recommendation (copy attached). The Teleconferencing Recommendation provides, in part:

Public meetings bring together many individuals (both vaccinated and potentially unvaccinated), from multiple households, in a single indoor space for an extended time. For those at increased risk for infection, or subject to an isolation order or quarantine order, teleconferencing allows for full participation in public meetings, while protecting themselves and others from the COVID-19 virus.

Utilizing teleconferencing options for public meetings is an effective and recommended social distancing measure to facilitate participation in public affairs and encourage participants to protect themselves and others from the COVID-19 disease.

Re-Authorization Required Every 30 Days:

After the Board held a meeting pursuant to AB 361 for the first time (October 18, 2021), the Board must now make specific findings at least every thirty (30) days thereafter. The Board must find that it has reconsidered the circumstances of the state of emergency and that the state of emergency continues to directly impact the ability of the members to meet safely in person or that state and local officials continue to impose or recommend measures to promote social distancing.

If the Board desires to continue meeting pursuant to AB 361, an action item will be placed on each agenda to reauthorize remote meetings if that is the Board direction.

Lastly, it is important to note that AB 361 is optional. If the Board desires, it may choose for Board meetings to be held in person, with teleconferencing only under the standard Brown Act rules, where each teleconference location must be listed on the agenda and be open for the public to attend and participate from each meeting location.

RECOMMENDATION:

Staff recommends that the Board adopt a motion making the following findings and determinations:

That the proclaimed COVID-19 State of Emergency remains in effect and that the

Board has reconsidered the circumstances of the COVID-19 State of Emergency - (see Executive Order N-15-21 and N-08-21, copies attached);

That state or local officials continue to impose or recommend measures to promote social distancing (see Health Officer Teleconferencing Recommendation); and

That, for the next 30 days, District Board determines that meetings held in person would present an imminent risk to the health and safety of attendees, and that meetings shall continue be held pursuant to the provisions of Government Code §54953(e) to ensure the health and safety of the Board, staff and the public.

Attachments:

AB 361

Executive Order N-29-20 Executive Order N-08-21

Executive Order N-15-21

"Health Officer Teleconferencing Recommendation" of September 23, 2021