



**Montara Water
and Sanitary District**
Serving the Community of Montara and Moss Beach

P.O. Box 370131
8888 Cabrillo Hwy
Montara, CA 94037-0131
t: 650.728.3545 • f: 650.728.8556

To sensitively manage the natural resources entrusted to our care, to provide the people of Montara - Moss Beach with reliable, high – quality water, wastewater, and trash disposal at an equitable price, and to ensure the fiscal and environmental vitality of the district for future generations. Be open to providing other services desired by our community.

AGENDA

District Board of Directors

September 16, 2021 at 7:30 p.m.

DUE TO COVID-19, THIS MEETING WILL BE CONDUCTED REMOTELY PURSUANT TO THE PROVISIONS OF THE GOVERNOR'S EXECUTIVE ORDERS N-25-20 AND N-29-20 TEMPORARILY SUSPENDING AND MODIFYING CERTAIN TELECONFERENCE REQUIREMENTS UNDER THE RALPH M. BROWN ACT. MEMBERS OF THE PUBLIC MAY NOT ATTEND THIS MEETING IN PERSON.

Directors, staff and the public may participate remotely via the application ZOOM:

ZOOM MEETING INFORMATION:

WEBSITE: <https://us02web.zoom.us/j/85996871797?pwd=S3ZzUnNpS3orZFRXM25CSkRrbGthdz09>

MEETING ID: 859 9687 1797

Password: 898762

CALL IN PHONE NUMBER: +1 669 900 9128

INSTRUCTIONS for remote access are available at <https://support.zoom.us/hc/en-us/articles/201362193-Joining-a-Meeting>. You also may view video during the meeting via live stream or after the meeting at <https://videoplayer.telvue.com/player/wuZKb9gwEY7sMACIIsr7VSJglB35kNZA/stream/159?fullscreen=true&showtabssearch=false&autostart=false> . If you experience technical difficulties or have technical questions prior to or during the meeting, please contact MWSD's IT support at (650) 728-7843.

Note: Public participation is not permitted during closed session discussion items.

Public Comment

In accordance with the Government Code, members of the public may address the Board on specific agenda items when the matter is announced by the Board President. Any other item of interest that is within the subject matter jurisdiction of the District may be addressed during the Oral Comments portion of the meeting. A "raise hand" button available for every Zoom user can be used to alert the President of the intent to comment.

Public comment also may be submitted in writing (in accordance with the three-minute per speaker limit) via email to info@mwsd.net up to one-hour prior to the scheduled meeting time. Please indicate in your email the agenda item to which your comment applies. The District Clerk will read all comments into the record. Comments and materials related to an item on this Agenda submitted after distribution of the Agenda Packet are available in the District Clerk's office during normal business hours and may also be available on the District's web site (www.mwsd.montara.org) subject to staff's ability to post the documents before the meeting.

Upon request, this Agenda and written agenda materials will be made available in appropriate alternative formats to persons with a disability. Request for a disability-related modification or accommodation in order to participate in the public meeting should be emailed to info@mwsd.net or submitted by phone at 650-728-3545 at least two days before the meeting. Requests will be granted whenever possible and resolved in favor of accessibility.

Subject to Change: Given the current public health emergency and the rapidly evolving federal, state, and local orders, the format of this meeting may be altered, or the meeting may be canceled. You may check on the status of the meeting by visiting the District's website at: <http://mwsd.montara.org> .

CALL TO ORDER
ROLL CALL
PRESIDENT'S STATEMENT
ORAL COMMENTS (Items other than those on the agenda)
PUBLIC HEARING
CONSENT AGENDA
OLD BUSINESS (none)
NEW BUSINESS

1. [Review and Possible Action Concerning Return to In-Person Meetings Due to Repeal of Governor Emergency Executive Order Suspending Brown Act Meeting Requirements.](#)

REPORTS

1. Sewer Authority Mid-Coastside Meetings (Slater-Carter).
2. MidCoast Community Council Meeting (Slater-Carter).
3. CSDA Report (Lohman).
4. LAFCo Report (Lohman).
5. Attorney's Report (Fitzgerald).
6. Directors' Reports.
7. General Manager's Report (Heldmaier).

FUTURE AGENDAS

CONVENE IN CLOSED SESSION

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION (Government Code §54956.9(d)(1))
Case Name: *City of Half Moon Bay v. Granada Community Services District, et al.* (Santa Clara County Superior Court No. 17CV316927)

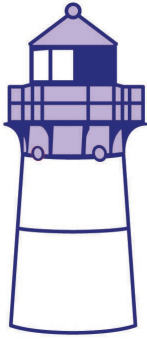
CONFERENCE WITH LEGAL COUNSEL- ANTICIPATED LITIGATION Significant Exposure to Litigation pursuant to paragraph (2) of subdivision (d) of Gov. Code § 54956.9 (1 potential case)

CONFERENCE WITH LEGAL COUNSEL- ANTICIPATED LITIGATION
(Government Code §54956.9(d)(4)) Initiation of Litigation (1 potential case)

REPORT OF ACTION TAKEN IN CLOSED SESSION, IF ANY

ADJOURNMENT


The District has a curfew of 10:30 p.m. for all meetings. The meeting may be extended for one hour by vote of the Board.



MONTARA WATER AND SANITARY DISTRICT AGENDA

For Meeting Of: **September 16, 2021**

TO: BOARD OF DIRECTORS

FROM: Clemens Heldmaier, General Manager 

SUBJECT: Review and Possible Action Concerning Return to In-Person Meetings Due to Repeal of Governor Emergency Executive Order Suspending Brown Act Meeting Requirements

On June 11, 2021, the Governor issued Executive Order N-08-21 which repealed the Governor's prior COVID-19 Orders that suspended certain Brown Act requirements and permitted virtual/remote public meetings during the pandemic. N-08-21 gives public agencies until October 1 to transition back to in-person meetings now that the declared state of emergency has ended.

Discussion

On April 2, 2020, this Board established a temporary remote meeting place for the District's Board meetings based on the Governor's COVID-19 Orders, allowing Board members, staff and the public to participate in public meetings remotely. Since that time, the District has conducted all of its meetings virtually, via Zoom.

Many public agencies have expressed the need for the continuation of Brown Act remote meeting flexibility for various reasons, not the least of which is the surge in cases resulting from the Delta Variant. Currently, there are two avenues to pursue an extension of said flexibility, which include another gubernatorial executive order or the passage legislation such as [AB 361](#) (R. Rivas), which would grant local agencies approval to hold virtual meetings *only in the event of a declared local or state emergency that requires social distancing* without having to rely on an executive order. As of the date of this writing, AB 361 has been passed by the legislature and is presently before the Governor for signature, at which time it would become immediately effective.

Given the above described circumstances, at this time the District must return to its normal meeting practices as of October 1 in accordance with the Brown Act. Currently, such meeting practices must abide by current County Health Order No. C19-12 which mandates the wearing of masks in all indoor public settings.

Additionally, some agencies have adopted a hybrid meeting model by offering a virtual option for the public and/or staff/consultants concurrently with the



MONTARA WATER AND SANITARY DISTRICT AGENDA

For Meeting Of: **September 16, 2021**

TO: BOARD OF DIRECTORS

FROM: Clemens Heldmaier, General Manager

physical meeting location that would be accessible and interactive to those attending the meeting in-person.

The purpose of this item is to re-establish the District's regular meeting location in the Boardroom of the District's Administrative Offices located at 8888 Cabrillo Hwy, Montara, and for the Board to discuss and adopt additional meeting procedures it deems necessary for the health and safety of public attendees, District staff and the Board of Directors.

RECOMMENDATION:

Adopt Resolution Rescinding Resolution No. 1669 Setting a Temporary Location for the Holding of Public Meetings of the Board During a Declared State of Emergency, and Returning to the District's Regular Meeting Location and Establishing Other Meeting Procedures

RESOLUTION NO. 1712

RESOLUTION OF THE BOARD OF DIRECTORS OF THE MONTARA WATER AND SANITARY DISTRICT RESCINDING RESOLUTION NO. 1669 SETTING A TEMPORARY LOCATION FOR THE HOLDING OF PUBLIC MEETINGS OF THE BOARD DURING A DECLARED STATE OF EMERGENCY, AND RETURNING TO THE DISTRICT'S REGULAR MEETING LOCATION AND ESTABLISHING OTHER MEETING PROCEDURES

WHEREAS, on March 4, 2020, Governor Newsom proclaimed a State of Emergency in California as a result of the threat of COVID-19. On March 19, 2020, the Governor issued Executive Order N-33-20 which, among other things, directed all California residents to immediately heed current State public health directives, including the March 19, 2020 directive of the State Public Health Officer to all State residents to stay home or at their place of residence, subject to certain exceptions; and

WHEREAS, on March 12, 2020 and March 18, 2020, Governor Newsom issued Executive Order N-25-20 and Executive Order N-29-20 ("Orders") mandating compliance with state and local public health measures to control the spread of COVID-19 and temporarily suspending portions of the Brown Act which address the conduct of public meetings; and

WHEREAS, pursuant to the Governor's Orders, the Board of Directors of the Montara Water and Sanitary District ("District"), a public agency, adopted Resolution No. 1669 on April 2, 2020, establishing a temporary virtual meeting location to conduct all of its regular and special meetings during the declared state of emergency in place of its regular meeting place in the Boardroom of the District's Administrative Offices located at 8888 Cabrillo Hwy, Montara; and

WHEREAS, on June 11, 2021, Governor Newsom issued Executive Order N-08-21 repealing the temporary suspension of portions of the Brown Act under the Orders as of October 1, 2021; and

WHEREAS, pursuant to Executive Order N-08-21, the Board of Directors desires to adopt this resolution to confirm and ratify its regular meeting place in the Boardroom of the District's Administrative Offices located at 8888 Cabrillo Hwy, Montara, as well as to allow for additional adjustments to the procedures for the conduct of meetings as deemed necessary, including offering an additional virtual/remote location to conduct its meetings at the same place and time as its regular location of meetings.

NOW, THEREFORE, be it resolved by the Board of the Montara Water and Sanitary District, a public agency in the County of San Mateo, California, as follows:

RESOLUTION NO. 1712

RESOLUTION OF THE BOARD OF DIRECTORS OF THE MONTARA WATER AND SANITARY DISTRICT RESCINDING RESOLUTION NO. 1669 SETTING A TEMPORARY LOCATION FOR THE HOLDING OF PUBLIC MEETINGS OF THE BOARD DURING A DECLARED STATE OF EMERGENCY, AND RETURNING TO THE DISTRICT'S REGULAR MEETING LOCATION AND ESTABLISHING OTHER MEETING PROCEDURES

1. The above recitals are true and correct and incorporated as though fully set forth herein.
2. Regular and special meetings of the Montara and Water Sanitary District Board of Directors shall return to, and be held in the Boardroom of the District's Administrative Offices located at 8888 Cabrillo Hwy, Montara, pursuant to Montara Water and Sanitary District Code Section 1-6.100.
3. In addition to the physical location of the regular and special meetings of the Montara and Water Sanitary District Board of Directors as set forth herein, and by this Resolution, regular and special meetings of the Montara and Water Sanitary District Board of Directors may also be conducted virtually or remotely in conjunction with the regular and special meetings of the Montara and Water Sanitary District Board of Directors as set forth herein.
4. The Chair or District Manager is permitted to make adjustments in meeting practices and/or remote logistics to comply with this Resolution and local or state health orders to ensure the health and safety of employees and residents or the ability of necessary staff to attend meetings, while maintaining critical District operations.
5. Resolution No. 1669 is hereby rescinded.
6. This Resolution is effective immediately.

President, Montara Water and Sanitary District

COUNTERSIGNED:

Secretary, Montara Water and Sanitary District

* * * *

I HEREBY CERTIFY that the foregoing Resolution No. 1712 duly and regularly adopted and passed by the Board of the Montara Water and Sanitary

RESOLUTION NO. 1712

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE
MONTARA WATER AND SANITARY DISTRICT RESCINDING
RESOLUTION NO. 1669 SETTING A TEMPORARY LOCATION
FOR THE HOLDING OF PUBLIC MEETINGS OF THE BOARD
DURING A DECLARED STATE OF EMERGENCY, AND
RETURNING TO THE DISTRICT'S REGULAR MEETING
LOCATION AND ESTABLISHING OTHER MEETING
PROCEDURES**

District, County of San Mateo, California, at a Regular Adjourned Meeting thereof held on the 16th day of September 2021, by the following vote:

AYES, Directors:

ABSTENTION:

NOES, Directors:

ABSENT, Directors:

Secretary, Montara Water and Sanitary District

RESOLUTION NO. 1669

RESOLUTION OF THE BOARD OF DIRECTORS OF THE MONTARA WATER AND SANITARY DISTRICT SETTING A TEMPORARY LOCATION FOR THE HOLDING OF PUBLIC MEETINGS OF THE BOARD DURING A DECLARED STATE OF EMERGENCY

WHEREAS, on March 4, 2020, Governor Newsom proclaimed a State of Emergency in California as a result of the threat of COVID-19. On March 19, 2020, the Governor issued Executive Order N-33-20 which, among other things, directs all California residents to immediately heed current State public health directives, including the March 19, 2020 directive of the State Public Health Officer to all State residents to stay home or at their place of residence, subject to certain exceptions; and

WHEREAS, on March 12, 2020 and March 18, 2020, Governor Newsom issued Executive Order N-25-20 and Executive Order N-29-20 mandating compliance with state and local public health measures to control the spread of COVID-19 and temporarily suspending portions of the Brown Act which address the conduct of public meetings; and

WHEREAS, on March 3, 2020, the San Mateo County Health Officer and the San Mateo County Director of Emergency Services proclaimed a local emergency throughout San Mateo County related to COVID-19; and

WHEREAS on March 16, 2020, as amended on March 31, 2020 and as may be further amended, the San Mateo County Health Officer issued a Shelter-in-Place Order directing all individuals to self-isolate in their places of residence and prohibiting non-essential public and private gatherings, in order to slow the spread of COVID-19; and

WHEREAS, Government Code section 54954(a) provides that “[e]ach legislative body of a local agency ... shall provide, by ordinance, resolution, bylaws, or by whatever other rule is required for the conduct of business by that body, the time and place for holding regular meetings”; and

WHEREAS, pursuant to Montara Water and Sanitary District Code Section 1-6.100, this Board holds its regular meetings on the first and third Thursday of each month at 7:30 p.m. in the Boardroom of the District’s Administrative Offices located at 8888 Cabrillo Hwy, Montara; and

WHEREAS, the Board of Directors desires to adopt this resolution to confirm and ratify a temporary remote meeting place to hold its regular and special meetings for the duration of the declared emergency, as well as to allow for adjustments to the procedures for the conduct of meetings as deemed necessary.

RESOLUTION NO. 1669

RESOLUTION OF THE BOARD OF DIRECTORS OF THE MONTARA WATER AND SANITARY DISTRICT SETTING A TEMPORARY LOCATION FOR THE HOLDING OF PUBLIC MEETINGS OF THE BOARD DURING A DECLARED STATE OF EMERGENCY

NOW, THEREFORE, be it resolved by the Board of the Montara Water and Sanitary District, a public agency in the County of San Mateo, California, as follows:

1. The above recitals are true and correct and incorporated as though fully set forth herein.
2. Regular and special meetings of the Montara and Water Sanitary District Board of Directors shall be held remotely in conformance with state and local emergency Orders.
3. The Chair or District Manager is permitted to make adjustments in meeting times or remote logistics to ensure the health and safety of employees and residents or the ability of necessary staff to attend meetings, while maintaining critical District operations.
4. This resolution is effective immediately for the duration the declared emergency as set forth herein.



President, Montara Water and Sanitary District

COUNTERSIGNED:



Secretary, Montara Water and Sanitary District

* * * * *

I HEREBY CERTIFY that the foregoing Resolution No.1669 duly and regularly adopted and passed by the Board of the Montara Water and Sanitary District, County of San Mateo, California, at a Regular Adjourned Meeting thereof held on the 2nd day of April 2020, by the following vote:

AYES, Directors: Boyd, Dekker, Harvey, Lohman, & Slater-Carter

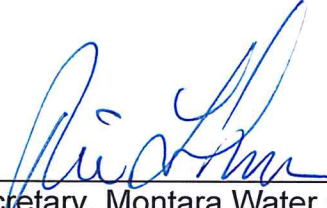
ABSTENTION: None

NOES, Directors: None

RESOLUTION NO. 1669

RESOLUTION OF THE BOARD OF DIRECTORS OF THE
MONTARA WATER AND SANITARY DISTRICT SETTING A
TEMPORARY LOCATION FOR THE HOLDING OF PUBLIC
MEETINGS OF THE BOARD DURING A DECLARED STATE OF
EMERGENCY

ABSENT, Directors: None



Secretary, Montara Water and Sanitary District