

Resolution 2021-09

**Murphys Sanitary District**

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Murphys, CA 95247  
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**Board of Directors:**

Steve Gonzales - President  
Paige Mc Math-Jue - Vice President  
Marty Melleria - Treasurer  
Bruce Miller - Secretary  
Joseph Fontana - Parliamentarian

**Corrected AGENDA  
Special Meeting**

**December 16, 2021 9:00 a.m. - Teleconference**

Based on guidance from the California Governor's Office and Department of Public Health, in order to minimize the potential, spread of the COVID-19 virus, this meeting will not be physically open to the public.

All members of the public may participate in the meeting via Web-Ex teleconference information below and will be given the opportunity to provide public comment.

**Members of the public are encouraged to participate in the below noticed meeting:**

**[Join the meeting Click Here](#)**

**Join by Meeting Number: 2558 275 3329**

**Meeting Password: msd95247**

**Join by phone: 1-978 990-5183 access code 6736289**

- 1) **Roll Call**
- 2) **Public Comment** (*Limit 5 minutes per person*) on items not appearing on agenda.  
**NOTICE:** Pursuant to Government Code § 54954.3(a), any member of the public shall be provided with the opportunity to directly address the Murphys Sanitary District Board of Directors concerning any item that has been described in the notice for the meeting before or during consideration of that item or on items not on the agenda but within the district's jurisdiction provided that no action be taken on off-agenda items unless otherwise authorized by law.
- 3) **Adopt Res. 2021-10** Re-Authorizing Remote Teleconference Meetings of The Legislative Bodies of Murphys Sanitary District for The Period December 17, 2021 - January 15, 2022 Pursuant to Brown Act Provisions
- 4) **CLOSED SESSION ITEM One (1) - Discussion\Possible Action**
  - a) CONFERENCE WITH REAL PROPERTY NEGOTIATOR Government Code Section 54956.8  
PROPERTY: 15 Ernest St Murphys, CA 95247  
DISTRICT NEGOTIATORS: C. Secada & D. Murphy  
UNDER NEGOTIATIONS: Price & Terms
- 5) **REPORTABLE ACTION FROM CLOSED SESSION**
- 6) **Next Regular Meeting: January 13, 2022 10:00 a.m.**
- 7) **Adjournment**

***Public Notice: All or a portion of this meeting is being recorded for purpose of public broadcast and/or internet posting.***

Materials related to any item on this Agenda, are available for public inspection in the District Office at 15 Ernest St Suite Murphys, CA 95247 during normal business hours. Information on materials in the agenda is also available via email request to [csecada@murphyssd.org](mailto:csecada@murphyssd.org). Any material provided to the legislative body at the meeting by agency staff or a member of the legislative body will be available at the public meeting; documents provided by others will be available right after the meeting. This agenda shall be made available upon request in alternative formats to persons with a disability, as required by the Americans with Disabilities Act of 1990 (42USC, §12132) and the Ralph M. Brown Act, CA Government Code §54954.2. Any persons requesting a disability related modification or accommodation in order to participate in the meeting should contact Cindy Secada at 209-728-3094, during regular business hours, at least 72 hours prior to the meetings or via email at [csecada@murphyssd.org](mailto:csecada@murphyssd.org). **Regular meetings are held on the second Thursday of the month at 10:00 A.M. at the districts main office located at 15 Ernest Street Suite A. Murphys, CA 95247 or Teleconference**

RESOLUTION OF THE BOARD OF DIRECTORS OF THE  
MURPHYS SANITARY DISTRICT PROCLAIMING A LOCAL EMERGENCY  
PERSISTS, RATIFYING THE PROCLAMATION OF A STATE OF EMERGENCY  
BY EXECUTIVE ORDER N-29-20 MARCH 4, 2020, AND RE-AUTHORIZING  
REMOTE TELECONFERENCE MEETINGS OF THE LEGISLATIVE BODIES OF  
MURPHYS SANITARY DISTRICT FOR THE PERIOD DECEMBER 17, 2021  
THROUGH JANUARY 15, 2022 PURSUANT TO BROWN ACT PROVISIONS.

**RESOLUTION NO. 2021-10**

**WHEREAS**, the MURPHYS SANITARY DISTRICT is committed to preserving and nurturing public access and participation in meetings of the Board of Directors; and

**WHEREAS**, all meetings of MURPHYS SANITARY DISTRICT's legislative body are open and public, as required by the Ralph M. Brown Act (Cal. Gov. Code 54950 – 54963), so that any member of the public may attend, participate, and watch the district's legislative bodies conduct their business; and

**WHEREAS**, the Brown Act, Government Code section 54953(e), makes provision 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

**WHEREAS**, a required condition 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; and

**WHEREAS**, a proclamation is made when there is an actual incident, threat of disaster, or extreme peril to the safety of persons and property within the jurisdictions that are within the District's boundaries, caused by natural, technological or human-caused disasters; and

**WHEREAS**, it is further required that state or local officials have imposed or recommended measures to promote social distancing, or, the legislative body meeting in person would present imminent risks to the health and safety of attendees; and

**WHEREAS**, as a condition of extending the use of the provisions found in section 54953(e), the Board of Directors must reconsider the circumstances of the state of emergency that exists in the district, and the Board of Directors has done so; and

**WHEREAS**, emergency conditions persist in the district, specifically Executive Order N-15-20 March 4, 2020 and

**WHEREAS**, social distancing is recommended; and

**WHEREAS**, the Board of Directors does hereby find that due to the COVID-19 pandemic, and social distancing orders and conditions causing imminent risk to attendees, has caused, and will continue to cause, conditions of peril to the safety of persons within the District that are likely to be beyond the control of services, personnel, equipment, and facilities of the District, and desires to affirm a local emergency exists and ratify the proclamation of state of emergency by the Governor of the State of California; and

**WHEREAS**, as a consequence of the local emergency persisting, the Board of Directors does hereby find that the legislative body of Murphys Sanitary District shall continue to conduct their meetings without compliance with paragraph (3) of subdivision (b) of Government Code section 54953, as authorized by subdivision (e) of section 54953, and that such legislative bodies shall continue to comply with the requirements to provide the public with access to the meetings as prescribed in paragraph (2) of subdivision (e) of section 54953; and

**WHEREAS**, Murphys Sanitary District will make available to the public online remote access via WebEx.

**NOW, THEREFORE, THE BOARD OF DIRECTORS OF Murphys Sanitary District DOES HEREBY RESOLVE AS FOLLOWS:**

Section 1. Recitals. The Recitals set forth above are true and correct and are incorporated into this Resolution by this reference.

Section 2. Affirmation that Local Emergency Persists. The Board of Directors hereby considers the conditions of the state of emergency in the district and proclaims that a local emergency persists throughout the district.

Section 3. Re-ratification of Governor's Proclamation of a State of Emergency. The Board hereby ratifies the Governor of the State of California's Proclamation of State of Emergency, effective as of its issuance date of March 4, 2020.

Section 4. Remote Teleconference Meetings. The Administration Manager or staff and legislative body of Murphys Sanitary District are hereby authorized and directed to take all actions necessary to carry out the intent and purpose of this Resolution including, continuing to conduct open and public meetings in accordance with Government Code section 54953(e) and other applicable provisions of the Brown Act.

Section 5. Effective Date of Resolution. This Resolution shall take effect immediately upon its adoption and shall be effective until the earlier of (i) January 15, 2022, or 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 the legislative bodies of Murphys Sanitary District may continue to teleconference without compliance with paragraph (3) of subdivision (b) of section 54953.

**PASSED AND ADOPTED** by the Board of Directors of Murphys Sanitary District, this 16th day of December, 2021, by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

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Steve Gonzales  
Board President

ATTEST:

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L. Bruce Miller  
Secretary of the Board of Directors