

AGENDA
BOARD OF DIRECTORS SPECIAL MEETING
Monday, November 7, 2022, 4:00 P.M.

This meeting is being held in accordance with the Brown Act as currently in effect and in compliance with the provisions of AB361 (Rivas), that allows attendance by members of the Board of Directors and Committees to conduct and participate in meetings of the legislative bodies by teleconference or video conference.

Members of the Public may participate via ZOOM online or by telephone:

Meeting URL: <https://dudek.zoom.us/j/95265901393>

To Join by Telephone

DIAL: US: +1 669 900 6833 or +1 929 205 6099

MEETING ID: 952 6590 1393

Call Meeting to Order and Roll Call

Board Members:	Board President:	Bill Haynor
	Board Vice President:	Doug Manatt
	Director:	Byron Hanchett
	Director:	Ed Munsch
	Director:	Al Panton
Staff:	General Manager:	Chuck Duffy
	Asst. General Manager:	Paula Melendrez
	District Counsel:	Bill Parkin, Wittwer Parkin

AGENDA ITEMS

- 1. Consideration of Resolution R-2022-08, Proclaiming a Local Emergency, Ratifying the Proclamation of a State of Emergency Issued on March 4, 2020 By Governor Newsom, and Authorizing Remote Teleconference Meetings of the Legislative Bodies of the Whispering Palms Community Services District for the Period November 7, 2022 Through December 6, 2022 Pursuant to Brown Act Provisions. 2-5**
Recommendation: Approve the Resolution.

ADJOURN TO CLOSED SESSION

- 1. CONFERENCE WITH LEGAL COUNSEL—ANTICIPATED LITIGATION**
Significant exposure to litigation pursuant to paragraphs (2) and (3) of subdivision (d) of Section 54956.9: (1 potential case)

RECONVENE TO OPEN SESSION

Announce any reportable action taken in Closed Session.

ADJOURN SPECIAL MEETING

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
WHISPERING PALMS COMMUNITY SERVICES DISTRICT PROCLAIMING A
LOCAL EMERGENCY, RATIFYING THE PROCLAMATION OF A STATE OF
EMERGENCY ISSUED ON MARCH 4, 2020 BY GOVERNOR GAVIN NEWSOM, AND
AUTHORIZING REMOTE TELECONFERENCE MEETINGS OF THE LEGISLATIVE
BODIES OF THE WHISPERING PALMS COMMUNITY SERVICES DISTRICT FOR
THE PERIOD NOVEMBER 7, 2022 THROUGH DECEMBER 6, 2022 PURSUANT TO
BROWN ACT PROVISIONS**

WHEREAS, the Whispering Palms Community Services District is committed to preserving and nurturing public access and participation in meetings of the Board of Directors; and

WHEREAS, all meetings of Whispering Palms Community Services District's legislative bodies 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 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

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, such conditions now exist in the District, specifically, on March 4, 2020, the Governor of the State of California issued a Proclamation of a State of Emergency due to the outbreak of respiratory illness due to the novel coronavirus (a disease known as COVID-19) and its variants; and

WHEREAS, the ongoing COVID-19 pandemic presents a potential risk to the health and safety of individuals by indoor in-person public gatherings due to the COVID-19 virus' airborne transmittal; and

WHEREAS, the Board of Directors does hereby find that the potential continued illnesses, hospitalizations, and fatalities caused by the spread of COVID-19, 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 proclaim a local emergency 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, the Board of Directors does hereby find that the legislative bodies of the Whispering Palms Community Services District shall 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 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, the Whispering Palms Community Services District will continue to provide access to both special and regular meetings through Zoom or by teleconference. The Zoom phone number and meeting URL, and the meeting teleconference number shall be published on the agenda for every remote meeting.

NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE WHISPERING PALMS COMMUNITY SERVICES 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. Proclamation of Local Emergency. The Board hereby proclaims that a local emergency now exists throughout the District, and the ongoing COVID-19 pandemic presents a continued risk to the health and safety of individuals posed by indoor in-person public gatherings, due to the COVID-19 virus' airborne transmittal.

Section 3. 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 General Manager and legislative bodies of the Whispering Palms Community Services District are hereby authorized and directed to take all actions necessary to carry out the intent and purpose of this Resolution including conducting 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 December 6, 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 the Whispering Palms Community Services 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 the Whispering Palms Community Services District, County of San Diego, State of California, this November 7, 2022, by the following vote:

AYES:

NOES:

ABSENT:

President, Board of Directors
Whispering Palms Community Services District

STATE OF CALIFORNIA)
County of San Diego)

I, Paula Melendrez, Secretary of the Board of Directors of the Whispering Palms Community Services District, County of San Diego, State of California, hereby certify that the foregoing Resolution, being Resolution R-2022-08, was duly passed, approved and adopted by the Board of Directors, approved and signed by the President, and attested by the Secretary, all at the monthly meeting of said Board held on November 7, 2022.

Witness my hand this November 7, 2022.

By: _____
Secretary of the Board of Directors
Whispering Palms Community Services District