

**SANTA YNEZ COMMUNITY SERVICES DISTRICT**

**MEMORANDUM**

**To:** Board of Directors  
**From:** Loch Dreizler, General Manager  
**Date:** June 26, 2024  
**Subject:** Review, Discuss, and Approval Potential Revised Sections 10 and 17 of the Board Policy Manual. Note that sections 16 and 21 will be changed to reflect recent board approvals.

See Board Policy under *Governance* on our website: [www.sycsd.com](http://www.sycsd.com)

**Proposed Motion/Recommendation:**

1. Sample Motion for Section 10 - Attendance at Meetings: This motion introduces a new policy allowing District Directors to attend regularly scheduled monthly Board meetings remotely using the traditional teleconferencing method a maximum of **ten times per calendar year**, with a recommendation that they attend **two regularly scheduled Board meetings** in person starting **January 2025**.
2. Proposed Motion for Section 17 - Board Meeting Agendas: I move to replace the existing language from Section 17 with the language from Attachment #1.

**Alternatives Considered:** Amend motions as appropriate to Board discussion.

**Policy Implications:** The Board Policy may change based on Board Action

**Fiscal Implications:** None

**Discussion:**

1. Section 10 – Attendance at Board Meetings  
Director Beard requested that Santa Ynez Community Services District elected officials consider an in-person attendance requirement. The discussion could focus on the frequency per year a board member can use traditional teleconferencing rules; currently, there is no limit. If a frequency is recommended, when would the requirement begin? **This sample motion above aims to balance a request for in-person participation with the benefits of remote attendance.**

The District is not alone regarding this question. Recently, a bill to allow local advisory boards to keep COVID-19 remote meeting rules failed in the Legislature. The question centered on making it easier for members to participate remotely versus allowing constituents to address public officials face to face.

Interestingly, the heart of the discussion around Assembly Bill 817, one of several recent proposals seeking to extend flexible meeting policies born from the COVID-19 pandemic, is directly relevant to our discussion. The Legislature agreed last year to do that for state boards. Still, State lawmakers declined to give that flexibility to local advisory boards. (See Attachment #2)

SYCSD is not a local advisory board, and the scenario is slightly different, but the basic concepts run parallel to ours.

2. Note: The *Community Interface Committee* will be added to the Board Policy Manual under Board Committees.
3. Section 17—Board Meeting Agenda. The ad hoc committee discussed modifying the process for adding items to the Agenda. The current policy language needed additional clarity, so staff and Legal Counsel developed new language for the Board to approve. See Attachment #1.
4. Note: Section 21 Board Compensation will be modified to align with the most recently approved resolution 23-310.

**Attachment(s):**

1. Proposed Motion for Section 17 – Board Meeting Agendas
2. News Article – Assembly Bill 817

**Basic Outline of Teleconferencing Options for Board of Directors**

The Ralph M. Brown Act (“Brown Act”) (Government Code<sup>1</sup> § 54950 *et seq.*) currently offers **three** options for teleconferencing meetings of legislative bodies of public agencies:

**1. Teleconferencing using “Traditional” Rules (set out in Govt. Code § 54953(b)(3)).**

Board members may attend remotely using the **“traditional teleconferencing”** rules under § 54953(b)(3). Normally, the “traditional rules” are considered unrealistic and not often used since the rules require that the notice and Agenda specify the address at which each legislative body member is remotely participating and offer the public an opportunity to attend and participate from that location. In this situation, while all members can teleconference simultaneously, in theory, a majority of the Board must be participating from locations within the boundaries of the District.

**2. Teleconferencing during a proclaimed state of emergency (Govt. Code § 54953(e));**

As the Board is likely aware, the state of emergency teleconferencing rules is generally only available during a proclaimed state of emergency. While such an allowance was created during the COVID-19 pandemic, its application is broader. It applies to any statement of emergency declared by the California Governor that threatens the imminent safety of attendees to a meeting.

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<sup>1</sup> All further statutory references are to the Government Code unless otherwise noted.

3. Teleconferencing due to “just cause” or “emergency circumstances” (Govt. Code § 54953(f)):

Since January 2023, members of a legislative body are also permitted to attend meetings remotely on a limited basis if a member has “just cause” or in the event of an “emergency circumstance,” as those terms are defined in § 54953(f), which generally relate to travel for agency business, child or family care, or physical or mental illnesses.

However, several restrictions apply to the use of these rules. First, at least a quorum of the legislative body must participate from a singular physical location within the boundaries of the local agency's jurisdiction, and the location must be clearly identified on the Agenda and accessible to the public. Second, no Board member will be permitted to attend meetings remotely using these provisions for more than 2 meetings per calendar year, as the Board meets only twice yearly. (§54953(f)(3)). As such, if the Board seeks an option for every Board member to participate in the Board meetings remotely or is being sought to allow a Board member to attend remotely regularly, this teleconferencing option does not present a long-term viable option.

## New - Section 17. Board Meeting Agenda

In cooperation with the Board President, the General Manager shall prepare an agenda for each Regular and Special meetings of the Board following the Ralph M. Brown Act, as outlined in California Government Code Section 54950 *et seq.* Any Director may request any item directly related to District business (wastewater, streetlights) be placed on the agenda by contacting the General Manager at least fourteen business days before the meeting date.

Any member of the public may request that a matter directly related to District business be placed on the agenda of a regularly scheduled Board meeting, subject to the following conditions:

1. The request must be in writing and submitted to the General Manager, together with any supporting documents and information, at least fourteen business days before the meeting's date.
2. The General Manager shall be the sole judge of whether the public request is or is not a "matter directly related to District business." The public member requesting the agenda item may appeal to the General Manager's decision at the next Regular Board meeting during public comment on non-agenda items, during which the Board may elect to direct a matter to be included on the agenda for a future meeting. Any Director may request that the item be placed on the agenda of the Board's next regular meeting.
3. No matter which is legally a proper subject for consideration by the Board in closed session will be accepted under this policy.
4. The Board may limit the time devoted to a public request issue at any meeting and the time allowed for anyone to speak on the issue at the meeting.

This policy does not prevent the Board from receiving public comments at Regular and Special meetings on matters that are not on the agenda, which a member of the public may wish to bring before the Board. However, the Board shall not discuss or take action on such matters at that meeting other than brief clarifying questions, requesting that an item be added to a future agenda for discussion, or providing brief general directions to staff regarding the matter, if appropriate.

At least 72 hours before the time of all Regular meetings, an agenda, which includes but is not limited to all matters on which there may be discussion and/or action by the Board, shall be posted in a place that is freely accessible to members of the public (California Government Code 54954.2 (a)(1)). The agenda shall also be posted on the website simultaneously for public information. All information made available to the Board (except confidential information exempted by State law) shall be available for public review on request before the board meeting.

The agenda for a special meeting shall be posted at least 24 hours before the meeting in the same location as for Regular Meeting agendas (California Government Code Section 54956).

For the meetings described herein, the General Manager shall determine the order in which agenda items shall be considered for discussion and/or action by the Board, subject to the Board's election to re-order the agenda at the meeting.

**Old - Section 17. Board Meeting Agenda Preparation.**

The General Manager, in cooperation with the Board President, shall prepare an agenda for each regular and special meeting of the Board of Directors. Any Director may have an item added to the agenda for a future Board meeting by making a request to the General Manager. In addition, any member of the public may have an item added to the agenda for a future Board meeting with the approval any Director or the General Manager. All such requests shall include supporting documentation, if available. The General Manager shall add the requested item to a future agenda as soon as reasonably feasible, taking into consideration (i) the schedule for future Board meetings, (ii) the number and nature of the other matters which are anticipated to be on the agendas for future meetings, (iii) whether all Board members are expected to be in attendance at future meetings, and the need to perform analysis, assemble information, confer with District legal counsel or outside consultants, have the matter reviewed by a Board committee, or undertake other activities prior to placing the matter on a future agenda. Where appropriate, the General Manager may require the person who requested the addition of an agenda item to provide supporting documentation at least one week before the matter is brought before the Board if such documentation was not submitted at the time the request was made.

Agenda Additions by General Manager. The General Manager shall have the authority to place an item on the agenda for a future Board meeting where the General Manager requires Board direction or approval regarding the matter or where the matter otherwise requires consideration and/or action by the Board. This policy does not prevent the Board from taking public comments at regular and special meetings of the Board on matters which are not on the agenda which a member of the public may wish to bring before the Board. However, the Board shall not discuss or take action on such matters at that meeting. At least 72 hours prior to the time of all regular meetings, an agenda, which includes but is not limited to all matters on which there may be discussion and/or action by the Board, shall be posted conspicuously for public review at the District office and on the District's website. The agenda for all special meetings shall be posted at least 24 hours before the meeting in the same manner.

## Some California officials can meet remotely. For local advisory boards, state lawmakers say no. June 11, 2024

<https://calmatters.org/politics/capitol/2024/06/california-remote-meetings-local-boards/>

### IN SUMMARY

A bill to allow local advisory boards to keep COVID remote meeting rules fails in the Legislature. The debate centered over making it easier for board members to participate — or giving Californians the chance to address public officials face to face.

On the one hand, allowing local advisory boards and commissions to meet remotely could make it easier for more Californians to take part, including those with disabilities or in jobs that make it hard to attend in-person meetings.

But on the other, shouldn't people have the opportunity to address their public officials face-to-face?

That was the heart of the discussion around [Assembly Bill 817](#), one of several recent proposals seeking to extend flexible meeting policies born out of the COVID-19 pandemic. The Legislature agreed last year to do that [for state boards](#), until Jan. 1, 2026.

But lawmakers declined to give that flexibility for local advisory boards, including planning commissions and budget oversight committees, beyond [emergency situations, caregiving and other exceptions](#) they granted during the pandemic.

The broader bill failed in the [Senate's local government committee](#) last week, failing to get a single "yes" vote. Four members voted "no" and three others didn't vote.

Sen. [María Elena Durazo](#), a Los Angeles Democrat who leads the committee, said that since advisory boards are often appointed by elected officials and make recommendations that lead to action, “it is vital that the public can inform the recommendations these bodies make.”

“I don’t believe that you can as effectively do that on a computer screen instead of in person,” she said.

Currently, [state law requires](#) local boards to meet where the public has access. If that’s not at a central location like a county building, members are required to post a notice and allow the public to attend, even at their homes.

This bill — introduced by Downey Democrat [Blancha Pacheco](#) and passed by the Assembly on a 54-8 vote in January — would have, until Jan. 1, 2026, let advisory bodies have no board members and only one staffer at a physical meeting location, and one agenda posted at the staffer’s location. It would have required board members to be on camera.

Pacheco said at the June 5 hearing that her bill would bring local boards in line with state ones.

But press and government transparency advocates saw the bill’s failure as a “critical victory for open government.”

“This bill would have taken a meat cleaver to the Brown Act when a scalpel could give flexibility to those who truly need it,” said Brittney Barsotti, general counsel for the California News Publishers Association. The group is asking the Legislature to hold hearings to craft a better bill next year.

Durazo said Pacheco had declined amendments that would balance transparency with accessibility by requiring board members who get paid

to attend in person, and that a certain number of members meet in person.

Ginny LaRoe, advocacy director for the First Amendment Coalition, which pushes for free speech and government transparency, noted that videoconferencing is already available to officials under a variety of circumstances.

“But it shouldn’t be the only option for the press and public to keep tabs on government,” she told CalMatters.

The bill’s supporters, which included Disability Rights California and groups representing local governments, said the state has a responsibility to allow more people to take part on boards and commissions.

“California is a huge state, and most counties have a large geographic area, and members find it very difficult, if not impossible, to attend meetings,” Janie Whiteford, president of the California IHSS Consumer Alliance and a member of a Santa Clara advisory committee on in-home supportive services, told the committee. She noted that one member had resigned because taking paratransit to and from meetings would take six hours.

“If you cannot conduct business due to a lack of quorum, the alternative is that we simply do not meet and county decision makers are left without local input,” Whiteford said.

The influential AARP also supported the bill. Sens. [Nancy Skinner](#) and [Scott Wiener](#), both Democrats from the Bay Area, declined to vote on the bill — a significant departure from their typical voting alignment with the retiree advocacy group, shown in the CalMatters [Digital Democracy database](#).



Opponents of AB 817 said last year's bill that gives exceptions in emergency situations must be given time to play out before making further changes to open meeting laws.

"We've worked on proposals that kind of narrowly tailor the flexibility for public officials who have a need for more flexibility," LaRoe said. But most of the bills on open meeting laws "tried to take things in what we feel is the wrong direction."