



**MINUTES
BOARD OF DIRECTORS
ROSSMOOR COMMUNITY SERVICES DISTRICT**

**SPECIAL MEETING
(Via Zoom Only)**

Sunday, January 9, 2022

A. ORGANIZATION

1. CALL TO ORDER: 4:00 p.m.

2. ROLL CALL:

Present: Directors DeMarco, Nitikman, Rips, Searles and President Barke

3. PLEDGE OF ALLEGIANCE : Director Nitikman led the Pledge of Allegiance.

4. PRESENTATIONS: None

5. PUBLIC COMMENTS:

There were no public comments.

B. SPECIAL AGENDA

1. Discussion and possible action to hold the January 11, 2022 Regular Meeting of the Board of Directors and/or future meetings of the Board of Directors, via Zoom webinar only, pursuant to Assembly Bill 361 and Resolution of the Board of Directors No. 21-12-14-01.

President Barke read a statement from Director Searles requesting that the regular RCSD Board meeting scheduled for Tuesday, January 11, 2022, be held by Zoom only, because of increased risks of the Omicron COVID-19 variant and a prior statement by President Barke stating he refuses to wear a mask during RCSD Board meetings.

Director Rips agreed with Director Searles' statement.

At Director DeMarco's request, General Counsel Preziosi reported the referenced Resolution is renewable monthly, allows an exception to the Brown Act and holding meetings by Zoom only or hybrid, as desired by the Board.

Director Nitikman discussed the Omicron variant and the existing mask mandate; noted he has health issues regarding wearing a mask for an extended period time and felt the current mask order is illegal and unconstitutional but stated no court has agreed with him on that point. He

commented on the need to uphold the law and agreed with having Zoom meetings and urged the Board to focus on other things.

President Barke spoke about his experience recovering from COVID-19 and treating patients infected with COVID-19; reported Omicron is less dangerous; discussed sporting events occurring in packed stadiums; noted there is no mandate that the Board cannot meet in person; opined this is an issue of freedom of choice; disagreed with the need for a mandate not to meet in person; addressed enforcement and expressed support holding hybrid meetings.

Director Searles spoke about the duties of Board Members to uphold the Federal and State Constitutions and follow current laws; discussed shortages in Sheriff staffing and stressed the need to abide by the law and protect the citizens of Rossmoor.

Director Rips noted this discussion is about elected officials following the law in a public setting; stressed the need to ensure a safe environment for the public and stated agreeing with the law or not agreeing with the law is not relevant to what happens in Rossmoor.

Director DeMarco noted Director Searles called for this meeting because President Barke declared he would not wear a mask at the next Board meeting and opined the Resolution should state that.

Discussion followed regarding the public's ability to sue the District if they attend a public meeting and contract COVID-19.

President Barke quoted various sources regarding the ineffectiveness of masks; discussed protocols for nurses and physicians in terms of protection from hazards; opined the order is unconstitutional and illegal and spoke about the importance of standing up for tyranny and standing up against illegal orders.

Motion by Director Searles, seconded by Director Rips, to hold the Board Meeting scheduled for Tuesday, January 11, 2022, by Zoom only, with no in-person attendance at the Rossmoor Community Services District Rush Auditorium and future meetings will continue via Zoom only, until the CDPH lifts the indoor mask mandate. The motion carried with the following vote:

AYES:	Directors Nitikman, Searles and Rips
NOES:	Director DeMarco and President Barke
ABSTAIN:	None
ABSENT:	None

C. ADJOURNMENT

Motion by President Barke, seconded by Director Rips, to adjourn the regular meeting at 4:50 p.m. The motion carried with the following vote:

AYES:	Directors DeMarco, Nitikman, Searles and Rips and President Barke
NOES:	None

ABSTAIN: None
ABSENT: None

ATTEST:

BOARD OF DIRECTORS
ROSSMOOR COMMUNITY SERVICES DISTRICT



Jeffrey Rips, President



Joe Mendoza, Secretary
Rossmoor Community Services District

APPROVED: February 8, 2022