

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE GUADALUPE-COYOTE RESOURCE CONSERVATION DISTRICT ("DISTRICT") PROCLAIMING A LOCAL EMERGENCY PERSISTS, RE-RATIFYING THE PROCLAMATION OF A STATE OF EMERGENCY BY GOVERNOR NEWSOM'S STATE OF EMERGENCY ISSUED ON MARCH 4, 2020, AND RE-AUTHORIZING REMOTE TELECONFERENCE MEETINGS OF THE LEGISLATIVE BODIES OF THE DISTRICT FOR THE PERIOD OCTOBER 6, 2022 THROUGH NOVEMBER 5, 2022 PURSUANT TO BROWN ACT PROVISIONS.

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

WHEREAS, all meetings of the 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, such conditions now exist in the DISTRICT, specifically, Governor Newsom has declared a State of Emergency, and said proclamation remains in effect and has not been rescinded or cancelled; and

WHEREAS, the Board of Directors originally adopted Resolution 2021-07 on October 7, 2021, finding that the requisite conditions exist for the legislative bodies of the DISTRICT to conduct remote teleconference meetings without compliance with paragraph (3) of subdivision (b) of section 54953; and

WHEREAS, as a condition of extending the use of the provisions found in section 54953, 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, the Governor's Proclamation issued on March 4, 2020; and

WHEREAS, the August 2, 2021 Order of the Health Officer of the County of Santa Clara remains in effect and cites the recent significant increase in COVID-19 cases and hospitalizations in Santa Clara County, due primarily to variants of SARS-CoV-2, the virus that causes COVID-19, and the emerging evidence indicates that the current variants are more transmissible than prior variants of the virus, may cause more illness, and that even fully vaccinated individuals can spread the virus to others;

WHEREAS, the Board of Directors does hereby find that current emergency conditions cause and will continue to cause imminent risk to attendees, and cause 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 proclaim a local emergency and re-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 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 DISTRICT has ensured members of the public may participate in its meetings via Zoom or other online meeting platform; and has provided a clear and transparent method for members of the public who need accommodations to participate in meetings make arrangements with the DISTRICT to participate in its meetings.

NOW, THEREFORE, THE BOARD OF DIRECTORS OF 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 considers the conditions of the state of emergency in the DISTRICT and proclaims that a local emergency persists throughout the District, and find that the conditions that led to the proclamation cause and will continue to cause imminent risk to attendees, and cause 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 proclaim a local emergency and ratify the proclamation of state of emergency by the Governor of the State of California; and

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

Section 4. Remote Teleconference Meetings. The Executive Director and legislative bodies of the 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 and shall be effective until the earlier of (i) November 5, 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 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 DISTRICT, this 6th day of October 2022, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

Signed: _____
Dr. Gary Jahns, Board President

Attest: _____
Stephanie Moreno, Executive Director/District Clerk

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