

BEFORE THE
FRESNO COUNCIL OF GOVERNMENTS
RESOLUTION NO. 2022-01

IN THE MATTER OF:
Assembly Bill 361

RESOLUTION APPROVING
CONTINUING
TELECONFERENCE MEETINGS
DUE TO COVID-19

WHEREAS, the Fresno Council of Governments is committed to preserving and fostering public access to and participation in the meetings of its Policy Board as required by the Ralph M. Brown Act (Gov. Code, § 54950, et seq.), so that any member of the public may attend and participate as the Agency conducts the people's business; and

WHEREAS, on January 31, 2020, the United States Secretary of Health and Human Services declared a public health emergency due to the threat of COVID-19, and the President of the United States issued a Proclamation Declaring a National State of Emergency Concerning COVID-19 beginning March 1, 2020; and

WHEREAS, the Governor of the State of California issued a Proclamation of a State of Emergency as a result of COVID-19 on March 4, 2020; and

WHEREAS, Executive Order N-29-20, issued by the Governor on March 17, 2020, suspended or modified provisions of the Brown Act relating to teleconferencing during the COVID-19 pandemic, which procedures were extended by Executive Order N-08-21 through September 30, 2021; and

WHEREAS, on September 16, 2021, Assembly Bill 361 was signed into law, amending Government Code section 54953, and providing for an alternative method of teleconferencing during public meetings, provided that the legislative body makes certain findings and the public is able to access and participate in teleconferenced public meetings; and

WHEREAS, under Executive Order N-15-21, the effective date of Assembly Bill 361 was set at October 1, 2021; and

WHEREAS, Government Code section 54953, subdivision (e)(1) provides bases for holding teleconferenced public meetings not in accordance with the public access requirements section 53953, subdivision (b), where the following circumstances exist:

1. The meeting is held during a proclaimed state of emergency, and state or local officials have imposed or recommended measures to promote social distancing, or
2. The meeting is held during a proclaimed state of emergency and the legislative body has determined, by majority vote, that, as a result of a proclaimed state of emergency, meeting in person would present imminent risks to the health or safety of attendees; and

WHEREAS, under Government Code section 54953, subdivision (e)(1)(B), a legislative body may hold a teleconferenced public meeting for the purpose of determining, by majority vote, whether as a result of a proclaimed state of emergency, meeting in person would present imminent risks to the health or safety of attendees; and

WHEREAS, Executive Order N-21-21, issued by the Governor on November 10, 2021, extended the March 4, 2020 Proclamation of a State of Emergency through March 31, 2022; and

WHEREAS, the State of California has imposed a mask mandate effective December 15, 2021 for all indoor public places and workplaces; and

WHEREAS, the State of California continues to be under a proclaimed state of emergency due to COVID-19; and

WHEREAS, the Fresno Council of Governments continues to impose or recommend measures to promote social distancing, including:

1. Requiring all staff and members of the public, regardless of vaccination status, to wear masks in Agency facilities, and
2. Posting information about COVID-19 safety measures in Agency facilities and vehicles; and

WHEREAS, the Policy Board of the Fresno Council of Governments has considered the circumstances of the state of emergency; and

NOW, THEREFORE, BE IT RESOLVED, by the Policy Board of the Fresno Council of Governments that:

1. The above recitals are true and correct and are incorporated into this resolution as findings by the Policy Board.
2. The Policy Board of the Fresno Council of Governments has considered the circumstances of the COVID-19 state of emergency and finds that the following circumstances exist:
 - a. State or local officials have imposed or recommended measures to promote social distancing; and
 - b. As a result of the COVID-19 state of emergency and the public health risks posed by COVID-19, meeting in person would present imminent risks to the health or safety of attendees.
3. As a result of the findings articulated in section 2, above, the Policy Board and all subordinate legislative bodies of the Fresno Council of Governments shall conduct their meetings in accordance with remote participation by teleconference in the manner provided by Government Code section 54953, subd. (e), and all such legislative bodies shall comply with the requirements of section 54953, subd. (e)(2).
4. This Resolution shall take effect immediately upon its passage, and shall remain in effect until February 5, 2022 or such time as the Policy Board extends the time during which meetings may be held remotely in accordance with Government Code section 54953, subd. (e)(3). The Policy Board need not extend the termination date of this Resolution by further resolution, but may do so in the minutes of any subsequent regular or special meeting.

THE FOREGOING RESOLUTION was passed and adopted by the Fresno Council of Governments this 6th day of January 2022.

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

Signed: David Cardenas, Chair

I hereby certify that the foregoing is a true copy of a resolution of the Fresno Council of Governments duly adopted at a regular meeting dated above.

Signed: Tony Boren, Executive Director