

RESOLUTION OF THE FIRST 5 BUTTE COUNTY CHILDREN AND FAMILIES COMMISSION, EXECUTIVE COMMITTEE, RE-AUTHORIZING REMOTE TELECONFERENCE MEETINGS OF THE LEGISLATIVE BODIES OF THE FIRST 5 BUTTE COUNTY CHILDREN AND FAMILIES COMMISSION FOR THE PERIOD OF NOVEMBER 28, 2022 – DECEMBER 28, 2022 PURSUANT TO THE RALPH M. BROWN ACT

WHEREAS, all meetings of the **FIRST 5 BUTTE COUNTY CHILDREN AND FAMILIES COMMISSION (COMMISSION)** and its legislative bodies are open and public, as required by the Ralph M. Brown Act (Cal. Gov't Code section 54950 *et seq.*), so that any member of the public may attend, participate, and view the 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 requirements; and

WHEREAS, Government Code section 54953(e) requirements include but are not limited to (1) the existence of a state of emergency declared by the Governor pursuant to Government Code section 8625 and (2) State or local officials have imposed or recommended measures to promote social distancing; and

WHEREAS, on March 4, 2020, Governor Gavin Newsom issued a Proclamation of State of Emergency in response to the COVID-19 pandemic and as of the date of this Resolution, the proclaimed state of emergency remains in effect; and

WHEREAS, on March 17, 2020, Governor Newsom issued Executive Order N-29-20, which suspended and modified the teleconferencing requirements under the Brown Act (California Government Code Section 54950 *et seq.*) to allow local legislative bodies to hold public meetings via teleconference; and

WHEREAS, on June 11, 2021, the Governor issued Executive Order N-08-21, which extended the provisions of N-29-20 concerning the conduct of public meetings through September 30, 2021, and the Governor subsequently signed legislation revising Brown Act requirements for teleconferenced public meetings (Assembly Bill 361, referred to hereinafter as "AB 361"); and

WHEREAS, to preserve public health and safety, the State Public Health Officer and/or the California Department of Public Health has issued various orders and guidance regarding COVID-19 prevention measures, which include social distancing recommendations; and

WHEREAS, the California Department of Industrial Relations has issued COVID-19 Prevention regulations in Title 8 of the California Code of Regulations (Section 3205 *et seq.*) which requires employers to (1) have a written COVID-19 prevention program including employee training that promotes physical distancing as an infection prevention measure and (2) consider implementing physical distancing where feasible as a response to COVID-19 outbreaks; and

WHEREAS, based on the foregoing, the **FIRST 5 BUTTE COUNTY CHILDREN AND FAMILIES COMMISSION, EXECUTIVE COMMITTEE** finds that State officials have imposed or recommended measures to promote social distancing; and

WHEREAS, on **OCTOBER 10, 2022** the **BUTTE COUNTY CHILDREN AND FAMILIES COMMISSION, EXECUTIVE COMMITTEE** previously adopted Resolution No. 11 finding that the requisite conditions existed for the **COMMISSION** and

its legislative bodies to conduct remote teleconference meetings without compliance with Government Code section 54953(b)(3), as authorized by Section 54953(e); and

WHEREAS, as a condition of extending the use of the teleconferencing provisions for another 30 days beyond the Resolution No. 11 adopted on **OCTOBER 10, 2022** pursuant to Government Code section 54953(e), the **COMMISSION** must reconsider the circumstances of the state of emergency that exists and find that either the state of emergency continues to directly impact the ability of the members to meet safely in person or state or local officials continue to impose or recommend measures to promote social distancing; and

WHEREAS, the **COMMISSION** has reconsidered the circumstances of the continuing state of emergency and finds that state or local officials continue to impose or recommend measures to promote social distancing, based on (1) the State Public Health Officer's and/or California Department of Public Health's issuance of guidance regarding COVID-19 prevention measures, which include social distancing recommendations)) and (2) California Department of Industrial Relations regulations related to COVID-19 Prevention, specifically Title 8 of the California Code of Regulations, Section 3205 et seq., continuing to remain in effect; and

WHEREAS, in light of the foregoing, the **COMMISSION** desires to continue to have the flexibility to meet via tele/video conference and the **COMMISSION** finds that it and its legislative bodies shall be permitted to conduct their meetings by teleconferencing without compliance with Government Code section 54953(b)(3) pursuant to section 54953(e), and such legislative bodies shall comply with the requirements to provide the public with access to the meetings as prescribed by section 54953(e)(2).

NOW, THEREFORE, BE IT RESOLVED, FOUND AND ORDERED by the **FIRST 5 BUTTE COUNTY CHILDREN AND FAMILIES COMMISSION** as follows:

1. The facts set forth in the above recitals are true and correct and incorporated into this resolution by reference;
2. The **COMMISSION** has reconsidered the circumstances of the state of emergency that continues to exist and was proclaimed by Governor Newsom through a State of Emergency Proclamation on March 4, 2020.
3. The **COMMISSION** finds that State officials continue to impose or recommend measures to promote social distancing based on the State Public Health Officer's and/or California Department of Public Health's social distancing recommendations)) and the Department of Industrial Relations' issuance of COVID-19 Prevention regulations through Title 8 of the California Code of Regulations, section 3205 et seq. promoting social distancing in the workplace.
4. Under the present circumstances, the **COMMISSION** and any of its legislative bodies 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.
5. This Resolution shall take effect immediately upon its adoption and shall be effective until the earlier of (i) **DECEMBER 28, 2022** or (ii) such time the **COMMISSION** adopts a subsequent resolution in accordance with Government Code section 54953(e)(3) to extend the time during which its legislative bodies may continue to teleconference without compliance with Section 54953(b)(3).

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PASSED AND ADOPTED by the **FIRST 5 BUTTE COUNTY CHILDREN AND FAMILIES COMMISSION, EXECUTIVE COMMITTEE** this 28 day of November, 2022, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

DR. SHAUN-ADRIÁN CHOFLÁ, CHAIR
FIRST 5 BUTTE COUNTY CHILDREN AND FAMILIES COMMISSION

ATTEST:

By: _____
ANNA BAUER, EXECUTIVE DIRECTOR
FIRST 5 BUTTE COUNTY CHILDREN AND FAMILIES COMMISSION