

RESOLUTION No. 2023-01

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE RESOURCE CONSERVATION DISTRICT OF SANTA CRUZ COUNTY (RCDSCC) PROCLAIMING A LOCAL EMERGENCY PERSISTS, RE-RATIFYING THE PROCLAMATION OF A STATE OF EMERGENCY ON MARCH 04, 2020 ISSUED BY GOVERNOR NEWSOM, AND RE-AUTHORIZING REMOTE TELECONFERENCE MEETINGS OF THE LEGISLATIVE BODIES OF RCDSCC FOR THE PERIOD JANUARY 11, 2023 TO FEBRUARY 10, 2023 PURSUANT TO BROWN ACT PROVISIONS.

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

WHEREAS, all meetings of RCDSCC'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 § 54953(e), makes provisions for remote teleconferencing participation in meetings by members of a legislative body, without compliance with the requirements of Government Code § 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 § 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 § 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, it is further required that state or local officials have imposed or recommended measures to promote social distancing, or, the legislative body meeting in person would present imminent risks to the health and safety of attendees; and

WHEREAS, the Board of Directors previously adopted a Resolution, Number 2021-08 on September 29, 2021, Number 2021-09 on October 13, 2021, Number 2021-10 on November 10, 2021, Number 2021-12 on December 8, 2021, Number 2022-01 on January 12, 2022, Number 2022-02 on February 8, 2022, Number 2022-07 on March 8, 2022, Number 2022-08 on April 13, 2022, Number 2022-09 on May 11, 2022, and Number 2022-11 on June 8, 2022, Number 2022-13 on August 10, 2022, Number 2022-14 on September 14, 2022, Number 2022-15 on October 12, 2023, and Number 2022-16 on November 9, 2022 finding that the requisite conditions exist for the legislative bodies of RCDSCC 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(e), 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, a state-wide state of emergency was proclaimed by the Governor of the State of California for public health and safety due to the dangers of COVID-19, restricting gatherings and ordering social distancing measures for all businesses, government offices, etc.; and

WHEREAS, both State and Santa Cruz County Health Officials continue to discourage indoor, in person meetings due to the increased danger of COVID-19 virus transmission when people from different households meet in enclosed spaces; and

WHEREAS, the Board of Directors does hereby find that heightened transmissibility of COVID-19, even amongst vaccinated individuals has caused, 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 affirm a local emergency exists 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 persisting, the Board of Directors does hereby find that the legislative bodies of RCDSCC shall continue to conduct their meetings without compliance with paragraph (3) of subdivision (b) of Government Code § 54953, as authorized by subdivision (e) of § 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 § 54953; and

WHEREAS, the District's legislative bodies have met and continue to meet through remote video- and tele-conference (Zoom) that is accessible to the public by telephone and/or on any computer or device that has internet connectivity and allows the public to participate in the meetings as they would at in-person meetings;

NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE RESOURCE CONSERVATION DISTRICT OF SANTA CRUZ COUNTY 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. Affirmation that Local Emergency Persists. The Board of Directors hereby considers the conditions of the state of emergency in the District and proclaims that a local emergency persists throughout the District, and that meeting in person would risk the health of the public, staff and directors through potential spread of COVID-19 through unavoidable close contact at in-person meetings.

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

Section 4. Remote Teleconference Meetings. The Executive Director and legislative bodies of RCDSCC are hereby authorized and directed to take all actions necessary to carry out the intent and purpose of this Resolution including, continuing to conduct 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 January 11, 2023 and shall be effective until the earlier of February 10, 2023, or such time the Board of Directors adopts a subsequent resolution in accordance with



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Government Code § 54953(e)(3) to extend the time during which the legislative bodies of RCDSCC may continue to teleconference without compliance with paragraph (3) of subdivision (b) of § 54953.

CERTIFICATION

I hereby certify that the foregoing Resolution RCDSCC 2023-01 was duly and regularly adopted by the Board of Directors of the RCDSCC at the meeting thereof held on the 11th day of January 11, 2023, motion by _____ and seconded by _____ motion passed by the following roll call vote:

Ayes:

Noes:

Abstained:

Absent:

Attest: _____

Jim McKenna, RCD Board President

Kelley Bell, Mike Eaton, Howard Liebenberg, Robert Ketley, Mike Manfre, Jim McKenna, and John Ricker