RESOLUTION NO. 3716-21

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF WINDSOR AND ON BEHALF OF COMMISSIONS AND COMMITTEES CREATED BY THE TOWN COUNCIL PURSUANT TO GOVERNMENT CODE SECTION 54952(b) AUTHORIZING THE CONTINUANCE OF TELECONFERENCE MEETINGS IN COMPLIANCE WITH ASSEMBLY BILL 361 TO CONTINUE TO ALLOW MEMBERS OF THE PUBLIC TO SAFELY PARTICIPATE IN LOCAL GOVERNMENT MEETINGS

WHEREAS, the Town Council of the Town of Windsor is committed to ensuring public access to observe and participate in local government meetings; and

WHEREAS, all meetings of the Town Council and its other legislative bodies created pursuant to Government Code section 54952(b) are open and public, as required by the Ralph M. Brown Act, so that any member of the public may participate in local government meetings; and

WHEREAS, the Brown Act, pursuant to Government Code section 54953(e), makes provisions for remote teleconferencing participation in local government meetings, without compliance with the requirements 54953(b)(3), subject to the existence of certain conditions; and

WHEREAS, on March 4, 2020, Governor Newsom proclaimed a State of Emergency due to the outbreak of respiratory illness from a novel coronavirus (a disease now known as COVID-19); and

WHEREAS, on March 18, 2020, the Town Council adopted Resolution Number 3582-20, ratifying the proclamation of a local emergency by the Town Manager/Director of Emergency Services due to COVID-19; and

WHEREAS, on March 17, 2020, in response to the COVID-19 pandemic, Governor Newsom issued Executive Order N-29-20, suspending certain provisions of the Ralph M. Brown Act in order to allow local legislative bodies to conduct meetings telephonically or by other means; and

WHEREAS, on June 11, 2021, Governor Newsom issued Executive Order N-08-21, which, effective September 30, 2021, repealed the provisions of Executive Order N-29-20 that allowed local legislative bodies to conduct meetings telephonically or by other means; and

WHEREAS, on September 16, 2021, Governor Newsom signed Assembly Bill 361 ("AB 361"), which allows 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 of AB 361 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, AB 361 further requires 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, on October 06, 2021, the Town Council adopted Resolution No. 3701-21 finding that a state of emergency exists, that local officials have imposed and recommended social distancing measures, and held a meeting in compliance with Government Code section 54953(e)(2); and

WHEREAS, on November 03, 2021, the Town Council adopted Resolution No. 3712-21 finding that a state of emergency exists, that local officials have imposed and recommended social distancing measures, and held a meeting in compliance with Government Code section 54953(e)(2); and

WHEREAS, the Town is required to make certain findings every thirty (30) days to continue teleconferencing under Government Code section 54953(e)(3), including reconsideration of the state of emergency declared by the Governor pursuant to Government Code section 8625, and State or local officials continue to impose or recommend measures to promote social distancing; and

WHEREAS, the State of Emergency declared by the Governor pursuant to Government Code section 8625 continues to be in effect; and

WHEREAS, State and local health officials have imposed and recommended social distancing measures for the protection of public health and safety in response to COVID-19; and

WHEREAS, the Sonoma County Public Health Officer continues to recommend teleconferencing or social distancing during public meetings of all legislative bodies to protect the community's health against the spread of COVID-19; and

WHEREAS, the Town Council, acting as a legislative body pursuant to Government Code section 54952(a) and for the benefit of the commissions, committees, and other bodies that were created by the Town Council pursuant to Government Code section 54952(b) (collectively referred to as "Legislative Bodies"), finds that the current conditions meet the circumstances set forth in Government Code section 54953(e)(3) to allow Legislative Bodies to continue to use teleconferencing to hold open and public meetings if the Legislative Bodies comply with the requirements set forth in Government Code section 54953(e)(2) to ensure the public can safely participate in and observe local government meetings.

NOW, THEREFORE BE IT RESOLVED:

Section 1. Recitals. The Recitals set forth above are true and correct and are incorporated into this Resolution by this reference.

Section 2. Current Conditions Authorize Teleconference Public Meetings of Legislative Bodies. Based on the California Governor's continued declaration of a State of Emergency and

the Sonoma County Public Health Officer's recommendation to continue teleconferencing or social distancing during public meetings, the Town Council finds that the conditions continue to exist pursuant to Government Code sections 54952(e)(1) and 54953(e)(3) to allow Legislative Bodies to use teleconferencing to hold public meetings in accordance with Government Code section 54953(e)(2) to ensure members of the public have continued access to safely observe and participate in local government meetings.

Section 3. Authorize Legislative Bodies to Conduct Teleconference Meetings. The Legislative Bodies are hereby authorized 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)(2) and other applicable provisions of the Brown Act.

Section 4. Effective Date. This Resolution shall take effect immediately upon its adoption.

PASSED, APPROVED AND ADOPTED this 1st day of December 2021, by the following vote:

AYES:	**COUNCILMEMBERS FUDGE, REYNOZA, VICE MAYOR LEMUS AND MAYOR SALMON**
NOES:	**NONE**
ABSTAIN:	**NONE**
ABSENT:	**NONE**

SAM SALMON, MAYOR

ATTEST:

IRENE CAMACHO-WERBY, TOWN CLERK