



To: Board of Directors
From: Steve Leighton, Fire Chief
Date: December 8, 2021
Subject: Resolution Proclaiming a Local Emergency, Ratifying the Proclamation of a State of Emergency by Governor Newsom's Executive Order N-29-20, Issued March 4, 2020, and Authorizing Remote Teleconference Meetings of the Legislative Bodies of Meeks Bay Fire Protection District for the Period of December 8, 2021 – January 6, 2022, Pursuant to Brown Act Provisions

Background:

Governor Newsom issued Executive Order N-15-21 suspending the application of the provisions of Assembly Bill 361 (Rivas) to the meetings of local agencies until October 1, 2021. The new Order makes clear that, until September 30, 2021, local agencies may conduct open and public remote meetings relying on the authority provided under prior Executive Orders (N-25-20, N-29-20, and N35-20) issued in response to the COVID-19 pandemic.

However, starting October 1, remote meetings must transition from the authority of the Governor's Executive Orders to that of State law. On and after October 1, all meetings of special district boards and other local agencies:

- Must be conducted under standard Brown Act provisions (i.e. meeting in-person or teleconferencing) and **adhering to the requirements of subdivision (b) of California Government Code section 54953**, because all Executive Orders related to the Brown Act are expired after that

OR

- Must be conducted under the substantive and procedural requirements of [AB 361](#) to conduct a remote, teleconference meeting without adhering to **the requirements of paragraph (3) of subdivision (b) of 54953**.

Following the Governor's signing of AB 361, the Governor's office contemplated immediately rescinding the remote public meeting authority provided under prior Executive Orders. Such action would have instantly impacted thousands of local agencies – potentially requiring them to cancel meetings or conduct in-person meetings or meetings pursuant to standard Brown Act teleconferencing requirements, notwithstanding the ongoing health directives related to the pandemic.



In order to assist local agencies to conduct meetings in an open and public manner, the Governor's office modified its approach and issued an Order suspending the provisions of AB 361 until October 1, providing for a clear transition.

This means that all local agencies may not conduct remote teleconference meetings pursuant to the authority in the Governor's prior Executive Orders beyond **September 30**; after that date, all meetings subject to the Brown Act must comply with standard teleconference requirements (as they existed "pre-pandemic") **OR** must comply with the newly enacted provisions of AB 361.

Accordingly, if a local agency seeks to continue conducting the meetings of its legislative body in a "remote" teleconference manner (i.e. GoToMeeting, Zoom, etc.) after September 30, it must review AB 361's provisions and adopt a resolution that permits the legislative body of the local agency to conduct remote teleconference meetings in the manner specified by AB 361.

Any local agency that seeks to continue conducting remote teleconference meetings after September 30, **but has not taken action to transition to the provisions of AB 361**, may hold remote teleconference meetings under the standard requirements found within the Brown Act (i.e. subdivision (b) of Government Code section 54953, with remote meeting locations identified in the meeting agenda, meeting notices and agendas posted at all teleconference locations, teleconference locations accessible to the public, etc.).

Recommendation:

Waive the reading and adopt Resolution 2021-09, allowing the district the option of holding the December meeting in a virtual setting.



RESOLUTION

of the Board of Directors

No: 2021-09

A RESOLUTION OF THE BOARD OF DIRECTORS OF MEEKS BAY FIRE PROTECTION DISTRICT
PROCLAIMING A LOCAL EMERGENCY, RATIFYING THE PROCLAMATION OF A STATE OF
EMERGENCY BY GOVERNOR NEWSOM'S EXECUTIVE ORDER N-29-20, ISSUED MARCH 4, 2020,
AND AUTHORIZING REMOTE TELECONFERENCE MEETINGS OF THE LEGISLATIVE BODIES OF
MEEKS BAY FIRE PROTECTION DISTRICT FOR THE PERIOD OF DECEMBER 8, 2021 – JANUARY 6, 2022,
PURSUANT TO BROWN ACT PROVISIONS

WHEREAS, Meeks Bay Fire Protection District is committed to preserving and nurturing public access and participation in meetings of the Board of Directors; and

WHEREAS, all meetings of Meeks Bay Fire Protection District's legislative bodies are open and public, as required by the Ralph M. Brown Act (Cal Gov. Code 54950 – 54963), as 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, 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, such conditions now exist in the District, specifically a State of Emergency has been proclaimed by Governor Newsom on March 4, 2020, as a result of the threat of COVID-19; and

WHEREAS, due to the most recent COVID-19 Delta Variant, could present imminent risk to the health and safety of attendees; and

WHEREAS, the Board of Directors does hereby find that the current COVID-19 State of Emergency and the recent Delta Variant, presenting imminent risk to the health and safety of attendees, 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 proclaim a local emergency and 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 Meeks Bay Fire Protection 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, Meeks Bay Fire Protection District will include virtual access information, to all meetings of the Board of Directors, on the meeting agenda which will be posted on the website at MeeksBayFire.com.

NOW, THEREFORE, THE BOARD OF DIRECTORS OF MEEKS BAY FIRE PROTECTION 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 proclaims that a local emergency now exists throughout the District, and due to the most recent COVID-19 Delta Variant, could present imminent risk to the health and safety of attendees.

Section 3. 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 Fire Chief and legislative bodies of Meeks Bay Fire Protection 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 upon its adoption and shall be effective until the earlier of (i) January 6, 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 Meeks Bay Fire Protection 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 MEEKS BAY FIRE PROTECTION DISTRICT OF THE COUNTY OF EL DORADO AT A REGULAR MEETING OF THE BOARD, HELD ON THE 8th DAY OF December, 2021 BY THE FOLLOWING VOTE OF SAID BOARD:

AYES:
NOES:
ABSTENTIONS:
ABSENT:

PRESIDENT, BOARD OF DIRECTORS

BY: Edward I Miller

I CERTIFY THAT THE FOREGOING IS A CORRECT COPY OF A RESOLUTION DULY ADOPTED BY SAID BOARD OF DIRECTORS ON THE DATE THEREIN SET FORTH.

CLERK OF THE BOARD OF DIRECTORS

BY: Kelly Martin