



To: Board of Directors
From: Steve Leighton, Fire Chief
Date: February 16, 2022
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 Re-Authorizing Remote Teleconference Meetings of the Legislative Bodies of Meeks Bay Fire Protection District for the Period of February 16-March 17, 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.

On January 19, 2022 at the regular meeting, the Board of Directors approved Resolution 2022-01 allowing remote meetings to 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, which specifies that a new resolution must be approved for each 30-day period when it intends to continue to conduct remote meetings.**

Recommendation:

Waive the reading and adopt Resolution 2022-03, re-authorizing the district the option of holding the February and March meetings in a virtual setting.

Meeks Bay Fire Protection District



RESOLUTION of the Board of Directors

No: 2022-03
(SUBSEQUENT)

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 RE-AUTHORIZING REMOTE TELECONFERENCE MEETINGS OF THE LEGISLATIVE BODIES OF MEEKS BAY FIRE PROTECTION DISTRICT FOR THE PERIOD OF FEBRUARY 16-MARCH 17, 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, the Board of Directors previously adopted a Resolution, Number 2022-01 on January 19, 2022, finding that the requisite conditions exist for the legislative bodies of MEEKS BAY FIRE PROTECTION DISTRICT 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 of Emergency has been proclaimed by Governor Newsom on March 4, 2020, as a result of the threat of COVID-19; 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 does hereby find that the current COVID-19 State of Emergency and the recent Omicron 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. 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 due to the most recent COVID-19 Omicron variant, could present imminent risk to the health and safety of attendees.

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 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) March 17, 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 THE MEEKS BAY FIRE PROTECTION DISTRICT OF THE COUNTY OF EL DORADO AT A REGULAR BOARD MEETING OF SAID BOARD, HELD ON THE 16TH DAY OF FEBRUARY 2022 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