

RESOLUTION OF THE HUMBOLDT COUNTY BOARD OF SUPERVISORS

Resolution Number 22-133

RE-AUTHORIZING REMOTE TELECONFERENCE MEETINGS FOR THE PERIOD NOVEMBER 1, 2022, THROUGH NOVEMBER 29, 2022 PURSUANT TO THE RALPH M. BROWN ACT.

WHEREAS, all meetings of the Humboldt County Board of Supervisors 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 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~~, a required condition of Government Code section 54953(e) 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(b); and

~~WHEREAS~~, a further required condition of Government Code section 54953(e) is that state or local officials have imposed or recommended measures to promote social distancing, or, the legislative body holds a meeting to determine or has determined by a majority vote that meeting in person would present imminent risks to the health and safety of attendees; and

~~WHEREAS~~, on March 4, 2020, Governor Newsom issued a Proclamation of a State of Emergency declaring a state of emergency exists in California due to the threat of COVID-19, pursuant to the California Emergency Services Act (Government Code section 8625); and,

~~WHEREAS~~, on June 11, 2021, Governor Newsom issued Executive Order N-07-21, which formally rescinded the Stay-at-Home Order (Executive Order N-33-20), as well as the framework for a gradual, risk-based reopening of the economy (Executive Order N-60-20, issued on May 4, 2020) but did not rescind the proclaimed state of emergency; and,

~~WHEREAS~~, on June 11, 2021, Governor Newsom also issued Executive Order N-08-21, which set expiration dates for certain paragraphs of the State of Emergency Proclamation dated March 4, 2020; and other Executive Orders but did not rescind the proclaimed state of emergency; and,

WHEREAS, as of the date of this Resolution, neither the Governor nor the state Legislature have exercised their respective powers pursuant to Government Code section 8629 to lift the state of emergency either by proclamation or by concurrent resolution of the state Legislature; and,

~~WHEREAS~~, Humboldt County Public Health Officer, Dr. Ian Hoffman, issued a Recommendation Regarding Physical Distancing Including Meetings of Legislative Bodies (the Recommendation) on September 29, 2021. The Recommendation specifically advises physical (social) distancing as one of the measures to decrease the spread of COVID-19 and recommends

that “physical distancing strategies be practiced in Humboldt County to the extent possible at gatherings and events, which includes meetings of legislative bodies and local agencies.” The Recommendation further states, “Virtual meetings of legislative bodies allow for physical distancing recommendations and the virtual participation of agency staff, presenters, and community members in safer environments, with less risk of exposure to COVID-19”; and

WHEREAS, hybrid in person/virtual meetings allow Supervisors, staff, and the public to participate in the meeting virtually, thereby significantly decreasing the number of people in the Board of Supervisors’ Chambers during a Board meeting which promotes social distancing and decreases the risk of spreading COVID-19; and

WHEREAS, the Humboldt County Board of Supervisors finds that state or local officials have imposed or recommended measures to promote social distancing, based on the Humboldt County Public Health Officer’s Order dated September 29, 2021; and,

WHEREAS, as a consequence, the Humboldt County Board of Supervisors does hereby find that it shall conduct its meetings by teleconferencing without compliance with Government Code section 54953 (b)(3), pursuant to Section 54953(e), and that such legislative bodies shall comply with the requirements to provide the public with access to the meetings as prescribed by Government Code section 54953(e)(2).

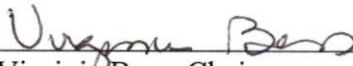
NOW, THEREFORE, BE IT RESOLVED, FOUND AND ORDERED by the Humboldt County Board of Supervisors, in regular session assembled on November 1, 2022, does hereby resolve as follows:

Section 1. Recitals. All of the above recitals are true and correct and are incorporated into this Resolution by this reference.

Section 2. State or Local Officials Have Imposed or Recommended Measures to Promote Social Distancing. The Humboldt County Board of Supervisors hereby proclaims that state officials have imposed or recommended measures to promote social (physical) distancing based on the Humboldt County Public Health Officer’s Order dated September 29, 2021.

Section 3. Remote Teleconference Meetings. The Humboldt County Board of Supervisors is 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 4. Effective Date. This Resolution shall take effect immediately upon its adoption and shall be effective until the earlier of (i) November 29, 2022, or (ii) such time the Humboldt County Board of Supervisors 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).


Virginia Bass, Chair
Humboldt County Board of Supervisors

Adopted this 1st day of November 2022, by the Humboldt County Board of Supervisors. A motion was made by Supervisor Bushnell and seconded by Supervisor Wilson and the following vote:

YES: Supervisors: Bushnell, Bohn, Bass, Wilson, Madrone
NO:
ABSENT:
ABSTAIN:

STATE OF CALIFORNIA)
)
County of Humboldt)

I Kathy Hayes, Clerk of the Board of Supervisors, County of Humboldt, State of California, certify the foregoing to be a full, true, and correct copy of the original made in the above-entitled matter by said Board of Supervisors at a meeting held in Eureka, California as the same now appears of record in my Office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Board of Supervisors



Nikki Turner
Deputy Clerk of the Board of Supervisors
County of Humboldt, State of California