

Resolution No. 22-108

**RE-AUTHORIZING REMOTE TELECONFERENCE MEETINGS FOR THE
PERIOD JANUARY 11, 2022 THROUGH FEBRUARY 8, 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WHEREAS, on June 11, 2021, Governor Newsom issued Executive Order N-07-21, which formally rescinded the Stay-at-Home Order (Executive Order N-33-20), as well as the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 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, on September 21, 2021, the Humboldt County Board previously found that the requisite conditions existed for the Humboldt County Board of Supervisors to conduct remote teleconference meetings without compliance with Government Code section 54953 (b)(3), as authorized by Section 54953(e); and,

WHEREAS, as a condition of extending the use of the teleconferencing provisions for another 30 days beyond September 21, 2021, pursuant to Government Code Section 54953(e), the Humboldt County Board of Supervisors must reconsider the circumstances of the state of emergency that exists and find that either the state of emergency continues to directly impact the

ability of the members to meet safely in person or state or local officials continue to impose or recommend measures to promote social distancing; and,

WHEREAS, the Humboldt County Board of Supervisors has reconsidered the circumstances of the state of emergency and finds that state or local officials continue to impose or recommend measures to promote social distancing, based on the Humboldt County Public Health Officer's Order dated September 29, 2021, continuing to remain in effect; and,

WHEREAS, as a consequence, the Humboldt County Board of Supervisors does hereby find that it may continue to conduct their meetings by teleconferencing without compliance with Government Code section 54953 (b)(3), pursuant to Section 54953(e), and the Commission 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 September 12, 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. Reconsideration of the State of Emergency. The Humboldt County Board of Supervisors has reconsidered the circumstances of the state of emergency that continues to exist and was proclaimed by the Governor through a State of Emergency Proclamation on March 4, 2020.

Section 3. State or Local Officials Continue to Impose or Recommend Measures to Promote Social Distancing. The Humboldt County Board of Supervisors hereby proclaims that state officials continue to impose or recommend measures to promote social (physical) distancing based on the continuance of the Humboldt County Public Health Officer's Order dated September 29, 2021.

Section 4. 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 5. Effective Date. This Resolution shall take effect immediately upon its adoption and shall be effective until the earlier of (i) November 16, 2021 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).

ADOPTED this 12 day of September, 2022 by the Humboldt County Board of Supervisors, by the following vote:


Virginia Bass, Chair of the Board of Supervisors

YES: Supervisors: Bohn, Bass, Bushnell, 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, do hereby 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 of The County of Humboldt, State of California