

RESOLUTION NO. __-__

**Resolution of the Yolo County Board of Supervisors Regarding
Brown Act Compliance and Teleconferencing Pursuant to Government Code Section
54953, as Amended by Assembly Bill 361, During the COVID-19 Pandemic**

WHEREAS, on March 4, 2020, Governor Gavin Newsom issued a Proclamation of State of Emergency in response to the novel coronavirus (a disease now known as COVID-19); and

WHEREAS, the County Health Officer declared a local health emergency related to the COVID-19 on March 6, 2020. The County Administrator, acting in his capacity as the Director of Emergency Services, proclaimed the existence of a local emergency related to COVID-19 on March 6, 2020. The Board of Supervisors ratified these declarations and proclamations on March 9, 2020; and

WHEREAS, on March 17, 2020, Governor Newsom issued Executive Order N-29-20, which suspended and modified the Brown Act teleconferencing requirements (California Government Code Section 54950 *et seq.*) so that local legislative bodies can hold public meetings via teleconference (with audio or video communications, without a physical meeting location), as long as the meeting agenda identifies the teleconferencing procedures to be used; and

WHEREAS, on June 4, 2021, the Governor clarified that the “reopening” of California on June 15, 2021 did not include any change to the proclaimed state of emergency or the powers exercised thereunder; and

WHEREAS, on June 11, 2021, the Governor issued Executive Order N-08-21, which extended the provision of N-29-20 concerning the conduct of public meetings through September 30, 2021, and the Governor subsequently signed legislation revising Brown Act requirements for teleconferenced public meetings (Assembly Bill 361, referred to hereinafter as “AB 361”); and

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

WHEREAS, as of the date of this Resolution, the local health emergency and local state of emergency declared and proclaimed on March 6, 2020, and ratified by the Board of Supervisors on March 9, 2020 remain in effect; and

WHEREAS, while the public health situation is presently improving and the Centers for Disease Control and Prevention (“CDC”) indicate that the community transmission level is “moderate,” the CDC also explains that “some people and communities, such as our oldest citizens, people who are immunocompromised, and people with disabilities, are at higher risk for serious illness and face challenging decisions navigating a world with COVID-19”;¹ and

¹ See https://www.cdc.gov/coronavirus/2019-ncov/science/community-levels.html?CDC_AA_refVal=https%3A%2F%2Fwww.cdc.gov%2Fcoronavirus%2F2019-ncov%2Fmore%2Faboutcovidcountycheck%2Findex.html (last accessed on 4/5/2022)

WHEREAS, the CDC, the California Department of Public Health, and the County Health Officer all recommend that people experiencing COVID-19 symptoms stay home; and

WHEREAS, like many other facilities throughout the County, the Board Chambers were not designed to ensure that attendees can remain six feet apart to reduce the possibility of infection with the virus that causes COVID-19; and

WHEREAS, prior to the COVID-19 pandemic, Board meetings would often attract significant attendance and community members and staff would be in close proximity (seated or standing immediately next to one another) for up to eight hours;

WHEREAS, holding in-person meetings would encourage community members to come to County facilities to participate in local government, and some of them are likely to be at high risk for serious illness from COVID-19 and/or live with someone who is at high risk; and

WHEREAS, the risks set forth herein could be reduced significantly through the implementation of technological improvements to allow hybrid meetings with limited in-person attendance (likely sufficient to allow social distancing) and the opportunity for remote meeting attendance and participation by community members and staff, and such improvements may be available in Board Chambers in the near future; and

WHEREAS, the Board of Supervisors has considered all information related to this matter, including the associated staff report and other information relating to COVID-19 provided at prior public meetings of the Board of Supervisors;

NOW, THEREFORE, BE IT RESOLVED AND FOUND as follows:

1. The Board of Supervisors hereby finds that the fact set forth in the above recitals are true and correct, and establish the factual basis for the adoption of this Resolution.

2. There is an ongoing proclaimed state of emergency relating to the novel coronavirus causing the disease known as COVID-19 and, due to that emergency, meeting in person would present imminent risks to the health or safety of attendees of in-person meetings of this legislative body within the meaning of California Government Code section 54953(e)(1).

3. Under the present circumstances, including the risks mentioned in the preceding paragraph, the Board of Supervisors determines that authorizing continued teleconferenced public meetings consistent with Assembly Bill 361 (or “hybrid” meetings conducted with a combination of physical location and teleconference participation to significantly reduce in-person attendance and allow distancing) is necessary and appropriate to balance the community’s right participate in local government while also promoting the health and safety of attendees and the community.

4. Staff are directed to take all actions necessary to implement this Resolution in accordance with the foregoing provisions and the requirements of Government Code section 54953, as amended by Assembly Bill 361, including but not limited to returning for reconsideration of this Resolution every 30 days hereafter for so long as either of the following

circumstances exists: (a) the state emergency proclamation remains in effect; and (b) a credible basis exists for determining that meeting in person would pose imminent risks to the health or safety of attendees.

PASSED AND ADOPTED by the Board of Supervisors on this 12th day of April 2022, by the following vote:

AYES:
NOES:
ABSTENTIONS:
ABSENT :

Angel Barajas, Chair
Yolo County Board of Supervisors

Attest:
Julie Dachtler, Senior Deputy Clerk
Yolo County Board of Supervisors

Approved As To Form:

By: _____
Deputy (Seal)

By:  _____
Philip J. Pogledich, County Counsel