

## RESOLUTION NO. 2021-52

### **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN JUAN BAUTISTA REGARDING THE RALPH M. BROWN ACT (CALIF. GOVT. CODE §§54950-54963) AND ASSEMBLY BILL 361, MAKING CERTAIN FINDINGS, AND AUTHORIZING THE CITY TO IMPLEMENT REMOTE TELECONFERENCED PUBLIC MEETINGS OF THE CITY COUNCIL FOR THE PERIOD OCTOBER 19, 2021 THROUGH NOVEMBER 18, 2021.**

**WHEREAS**, COVID-19 is a viral respiratory disease which has now spread across the world with multiple confirmed cases in California and, as of October 12, 2021, there have been 289 confirmed cases in the City of San Juan Bautista; and

**WHEREAS**, under authority provided by Government Code section 8625 on March 4, 2020, Governor Newsom issued a Proclamation of State of Emergency in response to the COVID-19 pandemic; and

**WHEREAS**, the Governor's proclaimed state of emergency remains in effect; and

**WHEREAS**, on March 17, 2020, the City of Council declared a State of Emergency in the City of San Juan Bautista due to COVID-19 that remains in effect; and

**WHEREAS**, the City Council is committed to preserving and nurturing public access and participation in its public meetings; and

**WHEREAS**, all meetings of the City Council 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 watch the City Council conduct its business; and

**WHEREAS**, the Brown Act, Government Code section 54953, makes provisions for remote teleconferencing participation in meetings by members of a legislative body; and

**WHEREAS**, on March 17, 2020, Governor Newsom issued Executive Order N-29-20 that suspended the teleconference rules set forth in Government Code section 54953(b)(3) provided certain requirements were met and followed and subject to the existence of certain conditions; and

**WHEREAS**, on June 11, 2021, Governor Newsom issued Executive Order N-08-21 that clarified the suspension of the teleconferencing rules set forth in Government Code section 54953(b)(3) would continue to be suspended through September 30, 2021; and

**WHEREAS,** On September 16, 2021, Governor Newsom signed Assembly Bill 361 that provides that, during a state of emergency declared by the Governor pursuant to Government Code section 8625, a legislative body subject to the Brown Act may continue to meet without fully complying with the teleconference rules set forth in Government Code section 54953(b)(3) provided state or local officials have imposed or recommended measures to promote social distancing or the legislative body determines that meeting in person would present imminent risks to the health and safety of attendees, and further requires that certain findings be made by the legislative body every thirty (30) days; and

**WHEREAS,** on September 20, 2021, Governor Newsom signed Executive Order N-15-21, clarifying the cities may continue to meet remotely in accordance with the procedures established by prior Executive Orders; and

**WHEREAS,** the City Council is empowered to take actions necessary to protect public health, welfare and safety within the City; and

**WHEREAS,** the City Council has an important governmental interest in protecting the health, safety and welfare of those who participate in its meetings subject to the Brown Act; and.

**WHEREAS,** the proposed action is exempt from the requirements of the California Environmental Quality Act (CEQA) in accordance with CEQA Guidelines Section 15378(b)(5) in that adopting a resolution authorizing the City Council to conduct teleconference public meetings does not meet CEQA's definition of a "project" because the action does not have the potential for resulting in either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment, and because the action constitutes organizational or administrative activities of government that will not result in direct or indirect physical changes in the environment and is exempt pursuant to Section 15269(c) of the CEQA Guidelines, as specific actions necessary to prevent or mitigate an emergency; and

**WHEREAS,** the City Council has considered all information related to this matter, as presented at the public meeting of the City Council identified herein, including any supporting reports by City staff and any information presented during the public meeting.

**NOW, THEREFORE, BE IT RESOLVED BY THE City Council of the City of San Juan Bautista, as follows:**

1. The Recitals set forth above are true and correct and are incorporated into this Resolution as findings of the City Council by this reference.
2. The City Council finds and determines such conditions as described in the Recitals above and other conditions described herein now exist in the City, specifically:
  - i. The Health & Human Services Agency of the County of San Benito has issued a health advisory entitled "COVID-19 What you need to know" that recommends social distancing as a way to slow the spread of a virus include keeping a distance of approximately three feet from the nearest person while in a workplace.
  - ii. The California Department of Public Health ("CDPH") and the federal Centers for Disease Control and Prevention ("CDC") caution that the Delta variant of COVID-19 is currently the dominant strain of COVID-19 in the country, is more transmissible than prior variants of the virus, may cause more severe illness, and that even fully vaccinated individuals can spread the virus to others resulting in rapid and alarming rates of COVID-19 cases and hospitalizations.
  - iii. Other variants of COVID-19 exist and it is unknown at this time whether other variants may result in a new surge in COVID-19 cases.
  - iv. As of October 12, 2021, San Benito County reported 94 active cases of COVID-19 in the County.
  - v. Due to the seriousness of the current COVID-19 pandemic situation, the CDPH has required that all unvaccinated people wear facial coverings indoors, and the CDC and CDPH recommend that all persons regardless of vaccination status wear facial coverings indoors.
3. The City Council does hereby: (i) affirm that State and local health officials have made the recommendations concerning social distancing described in the Recitals and in Section 2 herein; and (ii) find and determine that the conditions described in the Recitals and in Section 2 herein have caused, and will continue to cause, conditions of peril to the safety of persons within the City and present imminent risks to the health or safety of attendees and thus intends to invoke the provisions of AB 361 related to teleconferencing of its public meeting as provided in subdivision (e) of Government Code section 54953.

4. As a consequence of the state emergency, the City Council does hereby find and determine that its meetings and all meetings of its constituent bodies subject to the Brown Act shall be conducted without compliance with paragraph (3) of subdivision (b) of Government Code section 54953, as authorized by subdivision (e) of section 54953, and that all its teleconferenced meetings 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.
5. The City Manager 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.
6. This Resolution shall take effect immediately upon its adoption and shall be effective until the earlier of (i) November 19, 2021, or (ii) such time as the City Council adopts a subsequent resolution in accordance with Government Code section 54953(e)(3) to extend the time during which the City Council of the City of San Juan Bautista may continue to teleconference its public meetings without compliance with paragraph (3) of subdivision (b) of section 54953 of the California Government Code.

PASSED AND ADOPTED by the City Council of the City of San Juan Bautista at a regular meeting duly held this 19<sup>th</sup> day of October 2021, by the following vote:

AYES: Jordan, Freeman, Flores

NOES: None

ABSENT: Edge, Freels

ABSTAIN: None

ATTEST:



Trish Paetz, Deputy City Clerk

  
Leslie Q. Jordan, Mayor