

RESOLUTION NO. CP-01202022-01

A RESOLUTION OF THE ADVISORY BOARD OF DIRECTORS OF THE CARMICHAEL RECREATION AND PARK DISTRICT PROCLAIMING A LOCAL EMERGENCY PERSISTS, RE-RATIFYING THE PROCLAMATION OF A STATE OF EMERGENCY BY GOVERNOR ORDER N-25-20 ON MARCH 4, 2020, AND RE-AUTHORIZING REMOTE TELECONFERENCE MEETINGS OF THE LEGISLATIVE BODIES OF CARMICHAEL RECREATION AND PARK DISTRICT FOR THE PERIOD FEBRUARY 1, 2022 TO FEBRUARY 28, 2022 PURSUANT TO BROWN ACT PROVISIONS.

WHEREAS, the Carmichael Recreation and Park District is committed to preserving and nurturing public access and participation in meetings of the Advisory Board of Directors; and

WHEREAS, all meetings of Carmichael Recreation and Park District's legislative bodies 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 District's legislative bodies conduct their business; and

WHEREAS, the Brown Act, Government Code section 54953(e), makes provision 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 Advisory Board of Directors previously adopted a Resolution # CP-09302021-01 on September 30, 2021, finding that the requisite conditions exist for the legislative bodies of Carmichael Recreation and Park 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 Advisory Board of Directors must reconsider the circumstances of the state of emergency that exists in the District, and the Advisory Board of Directors has done so; and

WHEREAS, emergency conditions persist in the District, specifically, the Proclamation of a State of Emergency remains in effect as 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, the California Department of Industrial Relations has issued regulations related to COVID-19 Prevention for employees and places of employment. Title 8 of the California Code of Regulations, Section 3205(5)(D) specifically recommends physical (social) distancing as one of the measures to decrease the spread of COVID-19 based on the fact that particles containing the virus can travel more than six feet, especially indoors; and

WHEREAS, on September 28, 2021, the Sacramento County Public Health Officer Dr. Olivia Kasirye issued a Teleconference Recommendation which states that utilizing teleconference options for public meetings is an effective and recommended social distancing measure to facilitate participation in public affairs and encourage participants to protect themselves and other from COVID-19; and

WHEREAS, on January 6, 2022, the Sacramento County Public Health Officer Dr. Olivia Kasirye issued an Order suspending in-person public meetings, directing all public meetings in the County to occur virtually **effective January 6, 2022 at 8:00 AM** until further notice; citing the rapid emergence of the highly transmissible COVID-19 Omicron variant coupled with holiday gatherings which has led to unprecedented COVID-19 case rates in Sacramento County, and

WHEREAS, Advisory Board Members and/or District Staff exposed to COVID-19 may be temporarily unable to attend an in-person meeting due to exposure or potential exposure, illness, or quarantine related to COVID-19 or social distancing measures; and

WHEREAS, the Advisory Board of Directors of the Carmichael Recreation and Park District has an interest in encouraging public participation in open and public meetings while protecting the health, safety and welfare of those who participate; and

WHEREAS, the Advisory Board of Directors does hereby find that a State of Emergency has been proclaimed as a result of the threat and spread of COVID-19; and 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 affirm a local emergency exists and re-ratify the proclamation of state of emergency by the Governor of the State of California, the California Department of Industrial Relations regulations related to COVID-19 Prevention for employees and places of employment, and the Sacramento County Public Health Officer Teleconference Recommendation and subsequent Order for public meetings; and

WHEREAS, as a consequence of the local emergency persisting, the Advisory Board of Directors does hereby find that the legislative bodies of Carmichael Recreation and Park District shall continue to 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 continue to 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, all meetings of Carmichael Recreation and Park District's legislative bodies 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 District's legislative bodies conduct their business; and

NOW, THEREFORE, THE BOARD OF DIRECTORS OF Carmichael Recreation and Park District's DOES HEREBY RESOLVE AS FOLLOWS:

1. **Recitals.** The Recitals set forth above are true and correct and are incorporated into this Resolution by this reference.
2. **Affirmation that Local Emergency Persists.** The Advisory 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 hereby finds and proclaims that state and local official have imposed or recommended measure to promote social (physical) distancing based on the California department of Industrial relation's issuance of regulations related to COVID-19 Prevention through Title 8 of the California Code of Regulations, Section 3205(5)(D) and Sacramento County Public Health Officer's Teleconference Recommendation issued September 28, 2021 and subsequent Order Directing all Public Meetings in the County to Occur Virtually, **effective January 6, 2022** until further notice.
3. **Re-ratification of Governor's Proclamation of a State of Emergency.** The Advisory 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.
4. **Remote Teleconference Meetings.** The District Staff and legislative bodies of Carmichael Recreation and Park District are hereby authorized and directed to take all actions necessary to carry out the intent and purpose of this Resolution including, continuing to conduct open and public meetings in accordance with Government Code section 54953(e) and other applicable provisions of the Brown Act.
5. **Effective Date of Resolution.** This Resolution shall take effect retroactively to February 1, 2022 and shall be effective until the earlier of February 28, 2022, or such time the Advisory 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 Carmichael Recreation and Park District may continue to teleconference without compliance with paragraph (3) of subdivision (b) of section 54953.

PASSED AND ADOPTED by the Advisory Board of Directors of the Carmichael Recreation and Park District, this 20th day of January, 2022, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

RECUSAL:

(PER POLITICAL REFORM ACT (§ 18702.5.))

Joyce Carroll, Chair
Advisory Board of Directors

Ingrid Penney, Administrative Services Manager
Clerk of the Advisory Board of Directors



**ORDER OF THE HEALTH OFFICER OF THE COUNTY OF SACRAMENTO
DIRECTING ALL PUBLIC MEETINGS IN THE COUNTY TO OCCUR
VIRTUALLY UNTIL FURTHER NOTICE AND ENCOURAGING
WORKPLACES TO CONDUCT MEETINGS REMOTELY AS BUSINESS NEEDS
PERMIT**

DATE OF ORDER: January 6, 2022

BACKGROUND

The rapid emergence of the highly transmissible COVID-19 Omicron variant coupled with holiday gatherings has led to unprecedented COVID-19 case rates in Sacramento County. On December 30, 2021, there were 1,917 new COVID-19 cases reported in Sacramento County, which is 51.3% higher than the highest episode date of the winter surge of 2020 (1,267; December 14, 2020). Sacramento County's COVID-19 case rate on January 4, 2022 reached an all-time high level of 80.3 per 100,000 residents.

While data on the Omicron variant is still emerging, it has quickly become the dominant variant in the United States. The high case rates in our region are projected to impact capacity in Sacramento County hospitals.

All individuals in Sacramento County, especially those who are unvaccinated or not up-to-date with their vaccination (boosted, if eligible) and those at higher risk of severe outcomes from COVID-19, should take personal measures to reduce their risk of acquiring COVID-19. In addition to existing COVID-19 mitigation measures, including vaccination and face coverings, additional actions can help limit the likelihood of COVID-19 transmission in workplaces and public settings.

This Order is necessary to control and reduce the rate of community spread and to reinforce the need for safe interactions. The Health Officer will continue to assess the public health situation as it evolves and will reevaluate the need for this Order no later than February 1, 2022. The Health Officer may modify this Order, or issue additional Orders related to COVID-19, as changing circumstances dictate.

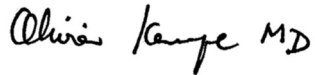
ORDER

UNDER THE AUTHORITY OF CALIFORNIA HEALTH AND SAFETY CODE SECTIONS 101040, 101085, 120175, AND 120220, THE HEALTH OFFICER OF THE COUNTY OF SACRAMENTO ("HEALTH OFFICER") HEREBY ORDERS AS FOLLOWS:

1. This Order **shall become effective January 6, 2022 at 8:00 a.m.** and will continue to be in effect until rescinded or amended in writing by the Health Officer.
2. The July 29, 2021 Order of the Health Officer directing all individuals in Sacramento County to wear face coverings indoors in workplaces and public settings remains in place and is unaffected by this Order.
3. All public boards, councils, commissions, and other similar bodies shall suspend in-person public meetings and conduct all meetings virtually. Affected bodies shall ensure opportunities for virtual public participation and compliance with the Brown Act and all other relevant statutes.
4. Employers and businesses shall consider conducting meetings remotely and take other measures as necessary to reduce transmission risk as much as business needs will permit.
5. Employers and businesses subject to the Cal/OSHA COVID-19 Emergency Temporary Standards (ETS) and/or the Cal/OSHA Aerosol Transmissible Diseases Standards should consult the applicable regulations for additional requirements. The ETS allow local health jurisdictions to mandate more protective measures.
6. All State orders and guidance documents referenced in State orders are complementary to this Order. By way of this Order, the Health Officer adopts such directives as orders as well. Where a conflict exists between a local order and any State public health order related to the COVID-19 pandemic, the most restrictive provision controls pursuant to, and consistent with, California Health and Safety Code § 131080.
7. **Copies of Order.** Copies of this Order shall promptly be: (1) made available at the County Administration Building at 700 H Street, Sacramento 95814, First Floor; (2) posted on the Sacramento County COVID-19 website (COVID19.saccounty.net) and County Health Department's website (dhs.saccounty.net/PUB); and (3) provided to any member of the public requesting a copy of this Order.

8. **Severability.** If any provision of this Order or the application thereof to any person or circumstance is held to be invalid by a court of competent jurisdiction, the remainder of the Order, including the application of such part or provision to other persons or circumstances, shall not be affected and shall continue in full force and effect. To this end, the provisions of this Order are severable.

IT IS SO ORDERED:



Olivia Kasirye, MD, MS
Health Officer of the County of Sacramento

Dated: January 6, 2022