

Carmichael

RECREATION AND
PARK DISTRICT

Memo

To: Advisory Board of Directors

From: Ingrid S. Penney, Administrative Services Manager

Date: November 18, 2021

Subject: Adopt Resolution # CP-11182021-01, Re-Ratifying the Governor's Proclamations that State and Local Emergencies exist throughout the State and District; authorizing remote Teleconference Meetings of the Advisory Board of Directors pursuant to Brown Act Provisions

Background/Discussion:

At the September 30, 2021 Special Meeting, the CRPD Advisory Board adopted an Initial Resolution authorizing remote Teleconference Meetings of the Advisory Board of Directors pursuant to the Brown Act Provisions for the period October 1, 2021 to October 31, 2021.

To apply the provisions of AB 361 for meetings after October 31, 2021, the Advisory Board must adopt a Subsequent Resolution. Subsequent Resolutions will be necessary to extend these provisions for as long as the Emergency exists and/or January 1, 2024, unless extended further. Staff will continue to include the subsequent Resolutions under the Consent Items each month for the duration of the Emergency.

Here are the provisions of AB 361 which apply, as follows:

- Option of participating from a remote location within or outside CRPD boundaries;
- Option of conducting a meeting with/without board members present in-person; otherwise a quorum would have to attend in-person;
- Due to plans to host a hybrid format, posting the Agenda of the primary location and Zoom connection link only; not the location of board members participating remotely;

- The board members would not have to post the Agenda at their location nor invite public participation in their remote location.

Rationale for subsequent adoption, is that the Emergency still exists. The potential remains that 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. Without adoption, all the original requirements of the Brown Act would apply. There would be no flexibility to host meetings as we have since April 2021 or modified in-person attendance. As long as the risks associated with COVID-19 remain, it's best to offer the most options to conduct Advisory Board Meetings.

RECOMMENDATION:

Staff recommends that the Advisory Board adopt Resolution #CP-11182021-01, re-ratifying the Governor's Proclamations that State and Local Emergencies exist throughout the State and District; and authorizing remote teleconference meetings of the Advisory Board of Directors of the Carmichael Recreation and Park District for the period December 1, 2021 to December 31, 2021, pursuant to the Brown Act provisions.

RESOLUTION NO. CP-11182021-01

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 DECEMBER 1, 2021 TO DECEMBER 31, 2021 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, 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 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.

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 December 1, 2021 and shall be effective until the earlier of December 31, 2021, 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 _____ day of _____, 20____, 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