

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF FRESNO, CALIFORNIA, CONFIRMING EMERGENCY CONDITIONS CONTINUE TO DIRECTLY IMPACT THE ABILITY OF LEGISLATIVE BODIES TO MEET SAFELY IN PERSON, AND AUTHORIZING REMOTE TELECONFERENCE MEETINGS OF CITY LEGISLATIVE BODIES FOR 30 DAYS, PURSUANT TO BROWN ACT PROVISIONS.

WHEREAS, the Council is committed to preserving and nurturing public access and participation in meetings of all City legislative bodies; and

WHEREAS, meetings of City 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 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

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, 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, on March 4, 2020, Governor Newsom declared a state of emergency in the State of California related to COVID-19, and such state of emergency remains in effect, and additionally on August 1, 2022, Governor Newsom declared a state of emergency related to Monkeypox, which remains in effect; and

WHEREAS, the State of California continues to recommend social distancing, including quarantine for individuals who are COVID positive or symptomatic; and

WHEREAS, as a consequence of the state of emergency, the Council does hereby find that the legislative bodies of the City shall 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 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, meetings will continue to be conducted and broadcast electronically, with the opportunity for electronic participation by the public via Zoom, and shall comply with all provisions of Government Code Section 54953(e).

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Fresno as follows:

1. The Council hereby reconsiders the circumstances of the state of emergency, and finds the State of California to still be actively under a Governor- declared state of emergency.

2. The members of the Council find that either the state of emergency continues to directly impact the ability of the Council to safely meet in person, and/or state

or local officials continue to impose or recommended measures to promote social distancing.

3. The legislative bodies, Administration, and staff of the City are 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.

4. This resolution shall be effective as of 9:00 a.m. on the day it is approved by Council, and shall remain in effect for thirty days.

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STATE OF CALIFORNIA)
COUNTY OF FRESNO) ss.
CITY OF FRESNO)

I, TODD STERMER, City Clerk of the City of Fresno, certify that the foregoing resolution was adopted by the Council of the City of Fresno, at a regular meeting held on the _____ day of _____ 2022.

AYES :
NOES :
ABSENT :
ABSTAIN :

Mayor Approval: _____, 2022
Mayor Approval/No Return: _____, 2022
Mayor Veto: _____, 2022
Council Override Vote: _____, 2022

TODD STERMER, CMC
City Clerk

By: _____
Deputy Date

APPROVED AS TO FORM:
RINA M. GONZALES
Interim City Attorney

By: _____
Amanda B. Freeman Date
Senior Deputy City Attorney