

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, 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 City's jurisdiction, caused by natural, technological, or human-caused disasters; and

Date Adopted:
Date Approved:
Effective Date:
City Attorney Approval: _____

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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, such conditions now exist in the City, specifically, on March 4, 2020, Governor Newsom declared a State of Emergency in the State of California related to COVID-19, and on March 16, 2020, the City declared a State of Emergency related to COVID-19; and

WHEREAS, on September 10, 2021, the City adopted Emergency Order 2021-01, incorporating by reference all Orders issued by the Governor of California; and

WHEREAS, Emergency Order 2021-01 imposes social distancing measures including requiring public meetings of the City Council, Planning Commission, and Historic Preservation Commission be held virtually by telephonic device, Zoom, or any other platform, for the safety and protection of the public and employees; and

WHEREAS, as of September 20, 2021, in Fresno County there are 124,985 total positive cases, 356 hospitalized patients with COVID-19, including 84 COVID patients in ICU beds, and 1,888 total deaths due to COVID; and

WHEREAS, the Council does hereby find that the state of emergency related to COVID-19 has caused, and will continue to cause, conditions of peril to the safety of persons within the City that continue to directly impact the ability of its members to safely meet in person; and

WHEREAS, as a consequence of the local 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. Recitals. The Recitals set forth above are true and correct and are incorporated into this Resolution by this reference.

2. Reconsideration of Circumstances of Continuing Local Emergency. The Council hereby proclaims that a local emergency continues to exist throughout the City due to the COVID pandemic, and consistent with State and Local Declarations of Emergency and Emergency Orders, declares that meeting in person and allowing in person public participation presents an imminent risk to the health and safety of legislative officials, staff, and the public; and

3. Remote Teleconference and Electronic Meetings. 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:
DOUGLAS T. SLOAN
City Attorney

By: _____
Katie Doerr Date
Chief Assistant