

1 **RESOLUTION NO. 2022-001**

2 **A RESOLUTION OF THE [HIGHGROVE MUNICIPAL COUNCIL]**

3 **AUTHORIZING REMOTE TELECONFERENCE MEETINGS**

4 **OF THE LEGISLATIVE BODIES OF [HIGHGROVE MUNICIPAL COUNCIL]**

5 **FOR THE PERIOD [May Scheduled Meeting]**

6 **PURSUANT TO THE RALPH M. BROWN ACT.**

7
8 **WHEREAS**, all meetings of [HIGHGROVE MUNICIPAL COUNCIL] and its legislative bodies
9 are open and public, as required by the Ralph M. Brown Act (Cal. Gov. Code §§ 54950 – 54963), so that
10 any member of the public may attend, participate, and view the legislative bodies conduct their business;
11 and

12 **WHEREAS**, the Brown Act, Government Code section 54953(e), makes provisions for remote
13 teleconferencing participation in meetings by members of a legislative body, without compliance with the
14 requirements of Government Code section 54953(b)(3), subject to the existence of certain conditions and
15 requirements; and

16 **WHEREAS**, a required condition of Government Code section 54953(e) is that a state of emergency
17 is declared by the Governor pursuant to Government Code section 8625, proclaiming the existence of
18 conditions of disaster or of extreme peril to the safety of persons and property within the state caused by
19 conditions as described in Government Code section 8558(b); and

20 **WHEREAS**, a further required condition of Government Code section 54953(e) is that state or local
21 officials have imposed or recommended measures to promote social distancing, or, the legislative body
22 holds a meeting to determine or has determined by a majority vote that meeting in person would present
23 imminent risks to the health and safety of attendees; and

24 **WHEREAS**, on March 4, 2020, Governor Newsom issued a Proclamation of a State of Emergency
25 declaring a state of emergency exists in California due to the threat of COVID-19, pursuant to the California
26 Emergency Services Act (Government Code section 8625); and,

27 **WHEREAS**, on June 11, 2021, Governor Newsom issued Executive Order N-07-21, which
28 formally rescinded the Stay-at-Home Order (Executive Order N-33-20), as well as the framework for a

1 gradual, risk-based reopening of the economy (Executive Order N-60-20, issued on May 4, 2020) but did
2 not rescind the proclaimed state of emergency; and,

3 **WHEREAS**, on June 11, 2021, Governor Newsom also issued Executive Order N-08-21, which set
4 expiration dates for certain paragraphs of the State of Emergency Proclamation dated March 4, 2020 and
5 other Executive Orders but did not rescind the proclaimed state of emergency; and,

6 **WHEREAS**, as of the date of this Resolution, neither the Governor nor the state Legislature have
7 exercised their respective powers pursuant to Government Code section 8629 to lift the state of emergency
8 either by proclamation or by concurrent resolution the state Legislature; and,

9 **WHEREAS**, the California Department of Industrial Relations has issued regulations related to
10 COVID-19 Prevention for employees and places of employment. Title 8 of the California Code of
11 Regulations, Section 3205(c)(5)(D) specifically recommends physical (social) distancing as one of the
12 measures to decrease the spread of COVID-19 based on the fact that particles containing the virus can travel
13 more than six feet, especially indoors; and,

14 **WHEREAS**, the [HIGHGROVE MUNICIPAL COUNCIL] finds that state or local officials have
15 imposed or recommended measures to promote social distancing, based on the California Department of
16 Industrial Relations' issuance of regulations related to COVID-19 Prevention through Title 8 of the
17 California Code of Regulations, Section 3205(5)(D); and,

18 **WHEREAS**, as a consequence, the [HIGHGROVE MUNICIPAL COUNCIL] does hereby find
19 that it and its legislative bodies shall conduct their meetings by teleconferencing without compliance with
20 Government Code section 54953 (b)(3), pursuant to Section 54953(e), and that such legislative bodies shall
21 comply with the requirements to provide the public with access to the meetings as prescribed by
22 Government Code section 54953(e)(2).

23 **NOW, THEREFORE, BE IT RESOLVED, FOUND AND ORDERED** by the [HIGHGROVE
24 MUNICIPAL COUNCIL] in regular session assembled on May 18th, 2022 does hereby resolve as
25 follows:

26 Section 1. Recitals. All of the above recitals are true and correct and are incorporated into this
27 Resolution by this reference.

28 ///

1 Section 2. State or Local Officials Have Imposed or Recommended Measures to Promote Social
2 Distancing. The [HIGHGROVE MUNICIPAL COUNCIL] hereby proclaims that state officials have
3 imposed or recommended measures to promote social (physical) distancing based on the California
4 Department of Industrial Relations' issuance of regulations related to COVID-19 Prevention through Title
5 8 of the California Code of Regulations, Section 3205(5)(D).

6 Section 3. Remote Teleconference Meetings. The [HIGHGROVE MUNICIPAL COUNCIL]
7 and any of its legislative bodies are hereby authorized and directed to take all actions necessary to carry out
8 the intent and purpose of this Resolution including, conducting open and public meetings in accordance
9 with Government Code section 54953(e) and other applicable provisions of the Brown Act.

10 Section 4. Effective Date. This Resolution shall take effect immediately upon its adoption and
11 shall be effective until the earlier of (i) [July 27th, 2022], or (ii) such time the [HIGHGROVE MUNICIPAL
12 COUNCIL] adopts a subsequent resolution in accordance with Government Code section 54953(e)(3) to
13 extend the time during which its legislative bodies may continue to teleconference without compliance with
14 Section 54953(b)(3).

15 ADOPTED this 18th day of May 2022 by [HIGHGROVE MUNICIPAL COUNCIL], by the
16 following vote:

17
18 YES: Kathryn Grimble, Jennifer Grob, Mussa Khiar

19 NO: N/A

20 ABSENT: Jeff Girod, Emily Hollinghurst

21 ABSTAIN: N/A

22
23 
24
25
26
27
28