

RESOLUTION NO. 096-2021

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLOVERDALE AUTHORIZING THE CONTINUANCE OF REMOTE TELECONFERENCE MEETINGS OF THE CITY IN COMPLIANCE WITH ASSEMBLY BILL 361

WHEREAS, the City of Cloverdale (the “City”) is committed to preserving and promoting public access and participation in meetings of the legislative bodies; and

WHEREAS, all meetings of the City 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 City conduct their business; and

WHEREAS, the Ralph M. Brown Act makes provisions for remote teleconferencing participation in local government meetings, without compliance with the requirements 54953(b)(3), subject to the existence of certain conditions; and

WHEREAS, on March 4, 2020, Governor Newsom declared a State of Emergency to make additional resources available, formalize emergency actions already underway across multiple state agencies and departments, and help the state prepare for a broader spread of the novel coronavirus disease (“COVID-19”); and

WHEREAS, on March 18, 2020, the City Council adopted Resolution Number 032-2020, ratifying the proclamation of a local emergency by the Director of Emergency Services due to COVID-19; and

WHEREAS, on March 17, 2020, in response to the COVID-19 pandemic, Governor Newsom issued Executive Order N-29-20 suspending certain provisions of the Ralph M. Brown Act in order to allow local legislative bodies to conduct meetings telephonically or by other means; and

WHEREAS, on June 11, 2021, Governor Newsom issued Executive Order N-08-21, which, effective September 30, 2021, repealed the provisions of Executive Order N-29-20 that allowed local legislative bodies to conduct meetings telephonically or by other means; and

WHEREAS, on September 16, 2021, Governor Newsom signed Assembly Bill 361 (2021) (“AB 361”), which allows 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 of AB 361 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, AB 361 further requires 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 October 13, 2021, the City Council held a meeting and adopted a Resolution finding that a state of emergency exists, that local officials have imposed and recommended social distancing measures, and held a meeting in compliance with Government Code section 54953(e)(2); and

WHEREAS, the City is required to make certain findings every thirty (30) days to continue teleconferencing under Government Code section 54953(e)(3), including reconsideration of the State of Emergency declared by the Governor pursuant to Government Code section 8625, and state or local officials continue to impose or recommend measures to promote social distancing; and

WHEREAS, the City Council has considered the circumstances of the Governor's State of Emergency proclamation pursuant to Government Code section 8625, which continues to be in effect; and

WHEREAS, the Sonoma County Public Health Officer continues to recommend teleconferencing or social distancing during public meetings of all legislative bodies to protect the community's health against the spread of COVID-19; and

WHEREAS, the City Council, acting for itself and for the benefit of all of the City's commissions, committees, and other bodies (collectively referred to as the "Legislative Bodies"), does hereby find that the Legislative Bodies shall continue to conduct their meetings without compliance with Government Code section 54953(b)(3), as authorized by Government Code section 54953(e), and that the Legislative Bodies shall continue to comply with the requirements to provide the public with access to the meetings as prescribed in Government Code section 54953(e)(2) as a consequence of the ongoing state of emergency and the continued social distancing measures required by local officials.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CLOVERDALE AS FOLLOWS:

Section 1. Recitals. The Recitals set forth above are true and correct and are incorporated into this Resolution by this reference.

Section 2. Current Conditions Authorize Teleconference Public Meetings of the Legislative Bodies. Based on the California Governor's continued declaration of a State of Emergency and the Sonoma County Public Health Officer's recommendation to continue teleconferencing or

social distancing during public meetings, the City Council finds that the conditions continue to exist pursuant to Government Code sections 54952(e)(1) and 54953(e)(3) to allow Legislative Bodies to use teleconferencing to hold public meetings in accordance with Government Code section 54953(e)(2) to ensure members of the public have continued access to safely observe and participate in local government meetings.

Section 3. Authorize Legislative Bodies to Conduct Teleconference Meetings. The Legislative Bodies are hereby authorized 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)(2) and other applicable provisions of the Brown Act.

Section 4. Effective Date. This Resolution shall take effect immediately upon its adoption.

The foregoing Resolution No. 096-2021 was duly introduced and adopted by the City Council of the City of Cloverdale at a regular meeting held on the 10th day of November, 2021 by the following roll call vote:

Ayes:	5	Councilmembers: Lands, Palla, Bagby, Wolter, Cruz
Noes:	0	
Absent:	0	
Abstaining:	0	

APPROVED:



Marta Cruz, Mayor

ATTEST:



Lori Frontella, City Clerk

