

RESOLUTION NO. 2021-58

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL
CONFIRMING AND CONTINUING ITS FINDING THAT THERE IS A PROCLAIMED
STATE OF EMERGENCY AND AUTHORIZING REMOTE TELECONFERENCE
MEETINGS FOR THE COUNCIL AND ITS COMMISSIONS AND COMMITTEES**

WHEREAS, on March 4, 2020, Governor Gavin Newsom declared a State of Emergency in the State of California; and

WHEREAS, on September 22, 2021, the Imperial County Local Health Officer issued an amended Health Order which imposes and/or recommends measures to promote social distancing, including the requirement that “COVID Exposed Persons shall keep a minimum distance of six (6) feet between themselves and other individuals at all times whenever possible, excluding a treating medical professional, a caretaker, a law enforcement officer enforcing this Order, a representative of the Health Officer, or any other person specifically authorized by the Health Officer”; and

WHEREAS in light of ongoing concerns about public health and safety, on March 17, 2020, Governor Newsom issued Executive Order N-29-20, which suspended certain provisions of the Ralph M. Brown Act (the “Brown Act”) in order to allow local government bodies to conduct open meetings safely during the coronavirus pandemic. On June 11, 2021, the Governor issued Executive Order N-08-21, extending the suspension of these provisions to allow local government bodies to continue to conduct their meetings remotely through September 30, 2021; and

WHEREAS, on September 10, 2021, the Legislature took additional action to allow local agencies to forego compliance with Brown Act teleconferencing requirements under specific circumstances after the expiration of the Governor’s order by adopting AB 361, which amends the Brown Act’s requirements for teleconferencing during a proclaimed state of emergency and when certain other conditions are met and certain findings are made. Because the bill contained an urgency clause, it took effect upon Governor Newsom’s signature on September 16, 2021; and

WHEREAS, the Brown Act, as amended, allows local agencies to make an initial determination to hold open meetings via teleconferencing when there is a proclaimed state of emergency and any of the following circumstances exist:

- 1) State or local officials have imposed or recommended social distancing
- 2) The local agency holds a meeting for the purposes of determining by majority vote if meeting in person would pose imminent health and safety risks to attendees

- 3) The local agency holds a meeting after having determined by majority vote that, as a result of the emergency, meeting in person would pose imminent risks to the health or safety of attendees.

The local agency must reconsider whether the state of emergency continues to impact the ability of the members to meet safely in person or whether local or state officials continue to impose or recommend social distancing every 30 days; and

WHEREAS the rates of transmission of COVID-19 and variants in Imperial County continue to pose imminent risks for health of attendees at indoor gatherings involving Individuals from outside the same household; and

WHEREAS, to help protect against the spread of COVID-19 and variants, and to protect the health and safety of the public, the City of Imperial (the "City") wishes to continue its actions taken on October 6, 2021, which were and are necessary to comply with the Brown Act, as amended, and to continue to hold its meetings remotely via teleconference.

NOW, THEREFORE, BE IT RESOLVED that the City hereby confirms its previous finding that pursuant to the Governor's State of Emergency Declaration, issued on March 4, 2020, there is a proclaimed State of Emergency in the State of California; and

BE IT FURTHER RESOLVED that the City hereby finds that pursuant to the Imperial County's Local Health Officer's amended Health Order dated September 22, 2021, local officials in Imperial County have imposed or recommended measures to promote social distancing; and

BE IT FURTHER RESOLVED that the City approves the continued meeting via teleconference for all Regular and Special Meetings of the City for the 30 days following this resolution, in accordance with Government Code section 54953(e) and other applicable provisions of the Brown Act.

APPROVED, PASSED, AND ADOPTED, at the regular meeting of the City Council this 3rd day of November, 2021.

Karin Eugenio, Mayor

ATTEST:

City Clerk