

RESOLUTION NO. 23-XX

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF ATHERTON RATIFYING THE PROCLAMATION OF A STATE OF EMERGENCY BY GOVERNOR GAVIN NEWSOM (MARCH 4, 2020) AS APPLICABLE IN THE TOWN AND AUTHORIZING TELECONFERENCE MEETINGS OF ITS LEGISLATIVE BODIES OF THE TOWN PURSUANT TO THE RALPH M. BROWN ACT

RECITALS

WHEREAS, the Town of Atherton ("Town") is committed to preserving and nurturing public access and participation at meetings of its Town Council and other Town legislative bodies; and

WHEREAS, all meetings of the Town's legislative bodies are open and public, as required by the Ralph M. Brown Act, Government Code section 54950 et seq. ("Brown Act"), so that any member of the public may attend, participate, and watch the Town's legislative bodies conduct their business; and

WHEREAS, section 54953(e)(1) provides a legislative body may meet via teleconference if the Governor has proclaimed a state of emergency pursuant to Government Code section 8625 and either (i) state or local officials have imposed or recommended measures to promote social distancing, (ii) the legislative body meets to determine by majority vote that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees, or (iii) the legislative body has voted as such and is meeting pursuant to that vote; and

WHEREAS, a legislative body's decision to meet pursuant to section 54953(e) must be reevaluated and renewed at least every thirty (30) days, or else the body will be required to adopt new initial findings; and

WHEREAS, while a legislative body meets via teleconference pursuant to section 54953(e), it must take actions to preserve public access and public participation and give notice of the meeting and post agendas as otherwise required, allow members of the public to access the meeting via call-in line or internet-based service line, provide details on the agenda on how to access the meeting and give public comment, give an opportunity to comment pursuant to Government Code section 54954.3 and allow a reasonable amount of time during public comment for a person to register, login, and comment, and monitor the call-in line and internet-based service line to ensure no disruption hinders access or ability to comment, if there is, take no action until public access is restored; and

WHEREAS, on March 4, 2020, Governor Gavin Newsom proclaimed a state of emergency pertaining to the threat to human health and safety posed by the COVID-19 virus pandemic and that proclamation remains in effect to this day in Solano County and statewide; and

WHEREAS, the virus has short- and long-term effects – fever and chills, cough, shortness of breath and difficulty breathing, fatigue, headache, nausea, vomiting, gastrointestinal issues, loss

of taste and smell, death – and it's prolific spread is severely impacting the health care system, inhibiting access to care for COVID-19 symptoms and other ailments; and

WHEREAS, the COVID-19 virus, and its variants, is spread through the air when a person who is carrying the virus, whether he or she is showing symptoms or not, is in close proximity to another person; and,

WHEREAS, while the COVID-19 virus remains present in the community, allowing members of the Town's legislative bodies and members of the public to meet virtually when cases have surged will reduce the risk of imminent risk to attendee health and safety beyond the control of Town services, personnel, equipment, and facilities; and,

WHEREAS, pursuant to Government Code section 8635 et seq., the Council has the authority during a state of emergency to take all actions necessary to perform its functions in the preservation of law and order, preservation of the furnishing of local services, and protection of life and property, which includes the authority to direct meetings of all Town legislative bodies to be held via teleconference pursuant to this Resolution; and

WHEREAS, the Council desires to ratify the Governor's March 4, 2020, proclamation of state of emergency related to the COVID-19 virus pandemic as it applies to the jurisdiction of the Town and authorize teleconference meetings of Town legislative bodies pursuant to section 54953(e), as long as all provisions of that section are followed to provide public access and opportunity for public comment; and

WHEREAS, the Town has taken and will continue to take measures to ensure access for the public, including by providing the public a call-in option and/or internet-based service option for all meetings of Town legislative bodies.

NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF ATHERTON DOES HEREBY RESOLVE AS FOLLOWS:

1. The recitals set forth above are true and correct and are incorporated herein by reference as if set forth in full.
2. The Governor's March 4, 2020 proclamation of state of emergency related to the COVID-19 virus pandemic applies to the jurisdiction of the Town and is re-ratified by the Town Council.
3. A state of emergency exists within the jurisdiction of the Town related to the COVID-19 virus pandemic and the conditions of that emergency may present an imminent risk to the health and safety of attendees at Town legislative body meetings.
4. In order to decrease the risk to the health and safety of attendees to Town legislative body meetings, all meetings of Town legislative bodies shall be conducted in a hybrid format with an option for attendees to appear in person, social distancing permitting, or via a teleconference in accordance with Government Code section 54953(e) and staff

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 Section 54953(e) and other applicable provisions of the Brown Act.

5. This Resolution shall take effect immediately upon its adoption and be effective for thirty (30) days, unless the Council takes action to rescind the Resolution. On or before the 30th day since adoption, the Council may take action to extend the Resolution's permissions pursuant to Government Code section 54953(e)(3).

The foregoing Resolution was introduced at a regular meeting of the Town Council of the Town of Atherton held on January 18, 2023.

The motion was passed by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Rick DeGolia, Mayor

ATTEST:

Anthony Suber, City Clerk,