

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARROYO GRANDE DECLARING A CONTINUED LOCAL EMERGENCY RELATED TO THE CORONAVIRUS (COVID-19) PANDEMIC AND AUTHORIZING THE CONTINUANCE OF REMOTE TELECONFERENCE MEETINGS OF THE LEGISLATIVE BODIES OF THE CITY OF ARROYO GRANDE PURSUANT TO GOVERNMENT CODE SECTION 54953(e)

WHEREAS, in accordance with Section 8.12.060 of the Arroyo Grande Municipal Code, the former City Manager, in his capacity as the Director of Emergency Services proclaimed a local emergency on March 17, 2020, regarding the COVID-19 pandemic; and

WHEREAS, the City Council ratified the emergency proclamation through adoption of Resolution No. 4974 at its regular meeting on March 24, 2020; and

WHEREAS, Arroyo Grande Municipal Code Section 8.12.065(C) provides that the City Council is to review the need for a continuing emergency declaration at regularly scheduled meetings at least every twenty-one (21) days until the emergency is terminated; and

WHEREAS, the City Council has adopted Resolutions declaring a continued local emergency related to the coronavirus (COVID-19) pandemic on April 14, April 28, May 12, May 26, June 9, June 23, July 14, August 11, August 25, September 8, September 22, October 13, October 27, November 10, November 24, December 8, 2020, January 12, January 26, February 9; February 23; March 9, March 23, April 13, April 27, May 11, May 25, June 8, June 22, July 27, August 10, August 24, September 14, September 28, October 12, October 26, November 9, November 23, December 14, 2021, January 11, January 25, February 8, February 22, March 8, March 22, April 12, April 26, May 10, May 24, June 14, June 28, July 26, August 9, August 23, September 13, September 27, October 11, October 25, November 22, December 13, January 10, and January 24, 2023; and

WHEREAS, the Secretary of Health and Human Services Director issued a Determination that a Public Health Emergency Exists and has existed as of January 27, 2020; and

WHEREAS, the President of the United States declared a State of National Emergency; the Governor of the State of California has proclaimed a State of Emergency for the State of California and issued Executive Orders and direction regarding measures to mitigate the spread of cases of COVID-19 within the State of California and all recitals set forth therein, are included as though fully set forth herein; and

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WHEREAS, subsequently, in March 2020, in response to the COVID-19 pandemic, Governor Newsom issued Executive Orders N-25-20 and N-29-20. These orders suspended certain elements of the Brown Act and specifically allowed for legislative bodies as defined by the Brown Act to hold their meetings entirely electronically with no physical meeting place. On June 11, 2021, Governor Newsom issued Executive Order N-08-21 which provided that the provisions in Executive Order N-29-20 suspending certain elements of the Brown Act would continue to apply through September 30, 2021; and

WHEREAS, on September 16, 2021, Governor Newsom signed AB 361, which added subsection (e) to Government Code section 54953 of the Brown Act, and makes provision 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 initiating AB 361 meetings 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 after that time, the City Council regularly make required findings under Government Code section 54953(e)(3); and

WHEREAS, the City Council has adopted a Resolution making findings in accordance with AB 361 and Government Code Section 54953(e) authorizing remote teleconference meetings on September 28, October 26, November 23, and December 14, 2021, and on January 25, February 22, March 22, April 12, May 10, June 14, June 28, July 26, August 23, September 27, October 25, November 22, December 13, and January 10, 2023; and

WHEREAS, the COVID-19 pandemic continues to spread rapidly worldwide and in the U.S., continuing to present an immediate and significant risk to public health and safety, and resulting in serious illness or death to vulnerable populations, including the elderly and those with underlying health conditions.

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Arroyo Grande that:

1. All recitals set forth above, are true, correct and incorporated herein.
2. A local emergency is declared to continue to exist throughout the City of Arroyo Grande, and the City has been undertaking, and will continue through termination of this emergency to undertake necessary measures and incur necessary costs, which are directly related to the prevention of the spread of COVID-19 and are taken in furtherance of: the Secretary of Health and Human Services' determination that a public health emergency has existed since January 27, 2020; the Governor's Proclamation of a State of Emergency on March 4, 2020; the

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President of the United States' Declaration of a National Emergency on March 13, 2020, and the City Director of Emergency Services' Proclamation of Local Emergency on March 17, 2020; and related orders and directives.

3. In accordance with the requirements of Government Code Section 54953(e)(3), the City Council of the City of Arroyo Grande hereby finds and determines that it has reconsidered the circumstances of the State of Emergency and that the State of Emergency continues to exist and to directly impact the ability to meet safely in person due to the COVID-19 pandemic, and its continued spread in San Luis Obispo County and Arroyo Grande through the Omicron, BA2 and other variants of SARS-CoV-2, which are highly transmissible and can be spread to others even by fully vaccinated individuals, and therefore holding meetings in person would present imminent risks to the health or safety of attendees.
4. The City Manager and legislative bodies of the City of Arroyo Grande are hereby authorized and directed to take all actions necessary to carry out the intent and purpose of this Resolution including, continuing to conduct open and public remote teleconferencing meetings in accordance with the requirements of Government Code section 54953(e) and other applicable provisions of the Brown Act.
5. This Resolution continuing a local emergency and making the requisite AB 361 findings is not a project subject to the California Environmental Quality Act ("CEQA") because it has no potential to result in either a direct, or reasonably foreseeable indirect, physical change in the environment. (State CEQA Guidelines, §§ 15060, subd. (b)(2)-(3), 15378.)
6. This Resolution shall take effect immediately upon its adoption and shall be effective for thirty (30) days after its adoption, subject to being extended for an additional 30 day period by the City Council's adoption of a subsequent resolution in accordance with Government Code section 54953(e)(3) to further extend the time during which the legislative bodies of the City of Arroyo may continue to teleconference without compliance with paragraph (3) of subdivision (b) of Government Code section 54953.

On motion of Council Member _____, seconded by Council Member _____, and by the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

The foregoing Resolution was approved this 14th day of February, 2023.

CAREN RAY RUSSOM, MAYOR

ATTEST:

JESSICA MATSON, CITY CLERK

APPROVED AS TO CONTENT:

WHITNEY MCDONALD, CITY MANAGER

APPROVED AS TO FORM:

ISAAC ROSEN, INTERIM CITY ATTORNEY