

**BEFORE THE BOARD OF DIRECTORS  
OF THE CENTRAL FIRE DISTRICT  
OF SANTA CRUZ COUNTY**

**RESOLUTION NO. 2022-03**

On motion of Director *Scanlon*  
Duly seconded by Director *Lucchesi*  
The following Resolution is adopted.

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE CENTRAL FIRE DISTRICT OF SANTA CRUZ COUNTY RE-AFFIRMING THAT MEETINGS OF THE LEGISLATIVE BODIES OF CENTRAL FIRE DISTRICT VIA TELECONFERENCE PROTECTS AGAINST THE ONGOING AND IMMINENT HEALTH AND SAFETY RISKS POSED BY COVID-19 AND RE-DETERMINING THAT ALL SUCH MEETINGS WILL BE BY TELECONFERENCE FOR THE PERIOD INCLUSIVE OF FEBRUARY 10<sup>TH</sup>, 2022 TO MARCH 10<sup>TH</sup>, 2022.**

**WHEREAS**, the Central Fire District of Santa Cruz County (District) is committed to preserving and nurturing public access and participation in meetings of the Board of Directors; and

**WHEREAS**, all meetings of the District's legislative bodies 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 Central Fire District's legislative bodies conduct their business; and

**WHEREAS**, the Brown Act, Government Code section 54953(e), makes provisions 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 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**, a proclamation is made when there is an actual incident, threat of disaster, or extreme peril to the safety of persons and property within the jurisdictions that are within the District's boundaries, caused by natural, technological, or human-caused disasters; and

**WHEREAS**, it is further required 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**, the Board of Directors previously adopted *Resolution 2022-01* on January 13<sup>th</sup> finding that the requisite conditions exist for the legislative bodies of Central Fire District to conduct remote teleconference meeting without compliance with paragraph (3) of subdivision (b) of section 54953; and

**WHEREAS**, as a condition of extending the use of the provisions found in section 54953(e), the Board of Directors must reconsider the circumstances of the state of emergency that exists in the District, and the Board of Directors has done so; and

**WHEREAS**, emergency conditions persist in the District, specifically, the Governor of the State of California proclaimed a state of emergency on March 4, 2020, related to the threat of COVID-19, which remains in effect; and

**WHEREAS**, on September 16, 2021, the Governor signed Assembly Bill 361 (“AB 361”), urgency legislation effective immediately, that amended Government Code Section 54953 to permit legislative bodies subject to the Brown Act to continue to meet under modified teleconferencing rules provided they comply with specific requirement set forth in the statute; and

**WHEREAS**, pursuant to AB 361, the District’s legislative bodies may hold an initial teleconference meeting under the modified teleconferencing rules and may continue to hold such teleconference meetings during a proclaimed state of emergency where the District’s Board of Directors has reconsidered the circumstances of the state of emergency, the state of emergency continues to directly impact the ability of the District’s legislative bodies to meet safely in person with the public, and state or local officials have recommended measures to promote physical distancing; and

**WHEREAS**, the California Division of Occupational Safety and Health (“Cal/OSHA”) regulations under Title 8 Section 3205 recommends physical distancing in the workplace as precautions against the spread of COVID-19 and imposes certain restriction and requirements due to a “close contact” which occurs when individuals are within six feet of another in certain circumstances; and

**WHEREAS**, the proliferation of the Delta and Omicron variants of the virus continues to pose imminent risk to health and safety in person, accordingly, the District’s Board of Directors hereby recognizes the proclamation of the state of emergency by the Governor of the State of California and the regulations of Cal/OSHA recommending physical distancing; and

**WHEREAS**, as a consequence of the emergency, the Board of Directors does hereby find that the legislative bodies of the District shall conduct their meetings without compliance with paragraph (3) of subdivision (b) of Government Code section 54953, as authorized by subdivision (e) of section 54953, and that such legislative bodies shall comply with the requirements to provide the public with access to the meetings as prescribed in paragraph (2) of subdivision (e) of section 54953; and

**WHEREAS**, the District’s legislative body meetings will be accessible to the public to attend virtually or via phone.

**NOW, THEREFORE, THE BOARD OF DIRECTORS OF CENTRAL FIRE DISTRICT OF SANTA CRUZ COUNTY DOES HEREBY RESOLVE:**

1. Recitals. The Recitals set forth above are true and correct and are incorporated into this Resolution by this reference.
2. State of Emergency due to COVID-19. The Board of Directors hereby recognizes the imminent threat to the health and safety of attendees at public meetings due to the impacts of COVID-19 and the continued recommendation of state officials to promote physical distancing to minimize any potential adverse health and safety risks.

3. Remote Teleconference Meetings. The Staff and legislative bodies of the District 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 of the District's legislative bodies in accordance with Government Code section 54953(e) and other applicable provisions of the Brown Act for remote teleconference meetings.
4. Effective Date of Resolution. This Resolution shall take effect immediately upon its adoption and shall be effective until *March 10, 2022*, or such time the Board of Directors adopts a subsequent resolution in accordance with Government Code section 54953(e)(3) to extend the time during which the legislative bodies of the District may continue to teleconference without compliance with paragraph (3) of subdivision (b) of section 54953.

**PASSED AND ADOPTED** by the Board of Directors of Central Fire District of Santa Cruz County, this *10<sup>th</sup> day of February, 2022*, by the following vote:

**AYES:** 4  
**NOES:** 0  
**ABSENT:** 1  
**ABSTAIN:** 0

**ATTEST:**



Orbrad Darbro, Board Chair



Fire Chief John Walbridge, Secretary to the Board

*Attachments: None*

*Distribution: File*