

**RESOLUTION NO. 2022-25
CITY OF DEL REY OAKS CITY COUNCIL**

**REGARDING RALPH M BROWN ACT AND FINDING OF IMMINENT RISK TO HEALTH AND
SAFETY OF IN-PERSON MEETINGS AS A RESULT OF THE CONTINUING COVID-19 PANDEMIC
STATE OF EMERGENCY DECLARED BY GOVERNOR NEWSOM**

WHEREAS, on March 4, 2020, Governor Newsom issued a Proclamation of State of Emergency in response to the COVID-19 pandemic; and,

WHEREAS, the proclaimed state of emergency remains in effect; and,

WHEREAS, on March 17, 2020, Governor Newsom issued Executive Order N-29-20 that suspended the teleconferencing rules set forth in the California Open Meeting law, Government Code section 54950 et seq. (the "Brown Act"), provided certain requirements were met and followed; and,

WHEREAS, on June 11, 2021, Governor Newsom issued Executive Order N-08-21 that clarified the suspension of the teleconferencing rules set forth in the Brown Act, and further provided that those provisions would remain suspended through September 30, 2021; and,

WHEREAS, on September 16, 2021, Governor Newsom signed AB 361 that provides that a legislative body subject to the Brown Act may continue to meet without fully complying with the teleconferencing rules in the Brown Act provided the legislative body determines that meeting in person would present imminent risks to the health or safety of attendees, and further requires that certain findings be made by the legislative body every thirty (30) days; and,

WHEREAS, California Department of Public Health ("CDPH") still recommends that persons who are at a higher risk for severe illness from COVID-19 – such as those older than 65, those who have high blood pressure or heart disease, or those with weakened immune systems – should continue to protect themselves and their loved ones by staying at least six feet apart from people who they don't live with ([Chronic Disease and COVID-19 Health Messages and Resources \(ca.gov\)](#)); and,

WHEREAS, it is unknown at this time whether new variants may result in a new surge in COVID-19 cases; and,

WHEREAS, the City Council of the City of Del Rey Oaks is empowered to take actions necessary to protect public health, welfare and safety within the region; and,

WHEREAS, the City of Del Rey Oaks has an important governmental interest in protecting the health, safety and welfare of those who participate in meetings of the City of Del Rey Oaks' various Boards, Commissions and Committees; and,

WHEREAS, in the interest of public health and safety, as affected by the emergency caused by the spread of COVID-19, the City Council of Del Rey Oaks deems it necessary to find that meeting in person for meetings of all City of Del Rey Oaks legislative bodies subject to the Ralph M. Brown Act would present imminent risks to the health or safety of attendees, and thus intends to invoke the provisions of AB 361 related to teleconferencing;

NOW, THEREFORE, BE IT RESOLVED by the City of Del Rey Oaks as follows:

1. The City Council finds that meeting in person for meetings of the City of Del Rey Oaks City Council as well as all related Boards, Commissions and Committees would present imminent risks to the health or safety of attendees.
2. This finding applies to all City of Del Rey Oaks bodies subject to the Brown Act, including but not limited to the Planning Commission and any other standing committees.
3. Staff is directed to return to the City Council no later than thirty (30) days after the adoption of this resolution, or by the next City Council meeting (whichever comes first), with an item for the Council to consider making the findings required by AB 361 in order to continue meeting under its provisions.

PASSED AND ADOPTED this , by the following vote:

AYES:

NOES:

ABSENT:

**Alison Kerr, Mayor
City of Del Rey Oaks**

**John Guertin, City Clerk
City of Del Rey Oaks**