

RESOLUTION NO. 2023-06

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GRASS VALLEY, CALIFORNIA, ENDING THE LOCAL EMERGENCY ORDER DECLARATIONS RELATED TO COVID-19 AND REMOTE TELECONFERENCE MEETINGS OF THE LEGISLATIVE BODIES EFFECTIVE MARCH 1, 2023, PURSUANT TO BROWN ACT PROVISIONS

WHEREAS, the City of Grass Valley is committed to preserving and nurturing public access and participation in the meetings of its legislative bodies; and

WHEREAS, all meetings of the City of Grass Valley's legislative bodies are open and public, as required by the Ralph M. Brown Act (Government Code Sections 54950 – 54963) (the "Brown Act"), so that any member of the public may attend, participate, and watch the City's legislative bodies conduct their business; and

WHEREAS, AB 361 and SB 2449 amended the Brown Act to allow cities to continue to meet remotely during proclaimed states of emergency under modified Brown Act requirements similar to those established by Governor Newsom under emergency powers; and

WHEREAS, Government Code Section 54953(e) of the Brown Act makes provisions for remote teleconferencing participation in meetings by a quorum 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 Government Code Section 54953(e) is that a state of emergency be 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(b); and

WHEREAS, pursuant to Government Code Section 8558(c) a "local emergency" is proclaimed 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 City'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, on March 4, 2020, Governor Gavin Newsom declared a state of emergency to exist in California as a result of COVID-19; and

WHEREAS, on March 12, 2020 Governor Gavin Newsom issued Executive Order No. N-25-20 allowing public meetings to be held by teleconferencing or telephonically and waiving provisions in the Brown Act expressly or impliedly requiring the physical presence of members, the clerk, or other personnel of the body, or of the public as a condition of participation in or quorum for a public meeting;

WHEREAS, Grass Valley Municipal Code Section 8.12.010 *et seq.* establishes the Disaster Council of the City of Grass Valley, and empowers the Disaster Council to proclaim the existence, or threatened existence, of a local emergency if the City Council is unavailable and requires the City Council to ratify the proclamation within seven days thereafter; and

WHEREAS, on March 5, 2020, the Disaster Council adopted Grass Valley Disaster Council Order 2020-01 proclaiming the existence of a local emergency within the City of Grass Valley;

WHEREAS, on March 10, 2020, the City Council of Grass Valley adopted Resolution No. 2020-09 declaring a local emergency as a result of COVID-19; and the City Council voted to continue the declaration of local emergency on March 24, 2020; April 14, 2020; April 28, 2020; May 12, 2020; May 26, 2020; June 9, 2020; June 23, 2020; July 14, 2020; July 28, 2020; August 11, 2020; August 25, 2020; September 8, 2020; September 22, 2020; October 13, 2020; October 27, 2020; November 10, 2020; November 24, 2020; December 9, 2020; January 12, 2021; January 26, 2021; February 9, 2021; February 23, 2021; March 9, 2021; March 23, 2021; April 13, 2021; April 27, 2021; May 11, 2021; May 25, 2021; June 22, 2021; July 13, 2021; July 28, 2021; August 10, 2021; August 24, 2021; September 14, 2021; October 12, 2021; October 26, 2021; November 9, 2021; November 23, 2021; December 14, 2021; January 11, 2022; January 25, 2022; February 8, 2022; February 22, 2022; March 8, 2022; April 12, 2022; April 26, 2022; May 10, 2022; May 24, 2022; June 28, 2022; August 23, 2022; September 13, 2022; September 27, 2022; October 11, 2022; October 25, 2022; November 8, 2022; November 22, 2022; December 13, 2022; January 10, 2023; January 24, 2023; February 14, 2023; and

WHEREAS, on March 24, 2020, the City Council adopted an Urgency Ordinance

2020-01 Enacting a Temporary Moratorium on Evictions of Residential and Commercial Tenants; and

WHEREAS, on November 9, 2021, the City Council adopted Resolution No. R2021-60 authorizing remote teleconference meetings of the City Council and other legislative bodies of the City pursuant to Government Code Section 54953(e), and voted to continue this authorization on January 11, 2022 (Resolution No. R2022-02); February 8, 2022 (Resolution No. R2022-06); February 22, 2022 (Resolution No. R2022-07); June 28, 2022 (Resolution No. R2022-59); August 23, 2022 (Resolution No. R2022-70); September 13, 2022 (Resolution No. R2022-71); September 27, 2022 (Resolution No. R2022-75); October 11, 2022 (Resolution No. R2022-75); October 25, 2022 (Resolution No. R2022-79); November 8, 2022 (Resolution No. R2022-83); November 22, 2022 (Resolution No. R2022-84); December 13, 2022 (Resolution No. R2022-86); January 10, 2023 (Resolution No. R2023-01); January 24, 2023 (Resolution No. R2023-02); and

WHEREAS, Governor Newsom proclaimed that California's current COVID-19 state of emergency will end February 28, 2023; and

WHEREAS, the City of Grass Valley, consistent with Government Code Section 8630(d), desires to sunset the Local Emergency Order established March 10, 2020 and all subsequent resolutions extended multiple times through February 14, 2023, to mirror the State of California's declaration to the end of the COVID-19 Emergency effective February 28, 2023.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF GRASS VALLEY, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. Recitals. The preceding Recitals are true and correct and are hereby incorporated and adopted as findings and determinations by the City Council as if fully set forth herein.

SECTION 2. Proclamation. The City Council does hereby find:

A. That the local state of emergency due to the outbreak of SARS-CoV-2 (COVID-19) established by Resolution No. 2020-09 and extended through February 14, 2023 shall be terminated due to the conditions related to this emergency on February 28, 2023.

B. That the City will continue to ensure public access to meetings of its legislative bodies pursuant to the relevant sections of the Government Code.

SECTION 3. Remote Teleconference Meetings. The City Manager and legislative bodies of the City of Grass Valley 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 Government Code Section 54953 and other applicable provisions of the Brown Act.

SECTION 4. Effective Date of Resolution. This Resolution shall take effect March 1, 2023. Nothing herein prohibits the City Council from utilizing other provisions of Government Code Section 54953 as written.

ADOPTED as a resolution of the City Council of the City of Grass Valley at a regular meeting held on the 28th day of February 2023 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAINING:

Jan Arbuckle, Mayor

APPROVED AS TO FORM:

ATTEST:

Michael G. Colantuono, City Attorney

Taylor Day, City Clerk