

**BEFORE
THE COMMISSIONERS OF THE
MADERA COUNTY TRANSPORTATION COMMISSION
COUNTY OF MADERA, STATE OF CALIFORNIA**

In the matter of
**FINDING OF A PROCLAMATION OF A STATE
OF EMERGENCY BY THE GOVERNOR'S
ORDER DATED 3-4-20 PERSISTS, AND
AUTHORIZING REMOTE TELECONFERENCE
MEETINGS OF THE POLICY BOARD AND ITS
COMMITTEES OF THE MADERA COUNTY
TRANSPORTATION COMMISSION FOR THE
PERIOD OF MARCH 1 THROUGH MARCH 31,
2022 PURSUANT TO BROWN ACT
PROVISIONS**

Resolution No.: **21-15**
Amendment No. 5

WHEREAS, the Madera County Transportation Commission (Commission) is committed to preserving and nurturing public access and participation in meetings of the Policy Board and its committees; and

WHEREAS, all meetings of the Commission 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 Commission 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 Madera County'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 Policy Board previously adopted Resolution 21-15 on September 30, 2021, finding that the requisite conditions exist for the Policy Board and its committees to conduct remote teleconference meetings without compliance with paragraph (3) of subdivision (b) of section 54953; and

WHEREAS, such conditions persist in Madera County, specifically, a state of emergency has been declared due to the COVID-19 pandemic; and

WHEREAS, State and local officials continue to recommend social distancing measures to help combat the spread; and

WHEREAS, the Policy Board does hereby find that the COVID-19 state of emergency has caused, and will continue to cause, conditions of peril to the safety of persons within Madera County that are likely to be beyond the control of services, personnel, equipment, and facilities of the Commission; and

WHEREAS, as a consequence of the emergency, the Policy Board does hereby find that the Policy Board of Madera County Transportation Commission and all of its committees 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 the Commission 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, measures have been taken to ensure access for the public including the ability to participate virtually and provide comment.

NOW, THEREFORE, THE POLICY BOARD OF THE MADERA COUNTY TRANSPORTATION COMMISSION DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. Recitals. The Recitals set forth above are true and correct and are incorporated into this Resolution by this reference.

Section 2. Affirmation that Local Emergency Persists. The Policy Board hereby considers the conditions of the state of emergency in Madera County and proclaims that a local emergency persists.

Section 3. Re-ratification of Governor's Proclamation of a State of Emergency. The Policy Board ratifies that the Governor of the State of California issued a Proclamation of a State of Emergency, effective as of its issuance date of March 4, 2020, which remains in effect.

Section 4. Imminent Public Health and Safety Risk. The Policy Board finds that as a result of the emergency, meeting in person could present imminent risks to the health or safety of attendees.

Section 5. Remote Teleconference Meetings. The Executive Director and the Policy Board of Madera County Transportation Commission 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(e) and other applicable provisions of the Brown Act.

Section 6. Effective Date of Resolution. This Resolution shall take effect immediately upon its adoption and shall be effective until the earlier of (i) November 30, 2021, or such time the Policy Board adopts a subsequent resolution in accordance with Government Code section 54953(e)(3) to extend the time during which the Policy Board of Madera County Transportation Commission may continue to teleconference without compliance with paragraph (3) of subdivision (b) of section 54953.

The foregoing resolution was adopted this 23rd day of February 2022 by the following vote:

Commissioner Tom Wheeler	_____
Commissioner Diana Palmer	_____
Commissioner Cecelia Gallegos	_____
Commissioner Jose Rodriguez	_____
Commissioner Brett Frazier	_____
Commissioner Robert Poythress	_____

Chairman, Madera County Transportation Commission

Executive Director, Madera County Transportation Commission