

**CHILDREN'S NETWORK OF SAN BERNARDINO COUNTY
POLICY COUNCIL**

RESOLUTION NO. 2022-09

**A RESOLUTION OF THE CHILDREN'S NETWORK OF SAN BERNARDINO COUNTY
POLICY COUNCIL
FINDING THAT MEETING IN PERSON CONTINUES TO PRESENT AN IMMINENT
RISK TO THE HEALTH OR SAFETY OF ATTENDEES
AS A RESULT OF THE COVID-19 STATE OF EMERGENCY**

RECITALS

WHEREAS, on March 4, 2020, the Governor proclaimed a State of Emergency to exist in California as a result of the threat of COVID-19; and

WHEREAS, on March 17, 2020, the Governor issued Executive Order N-29-20, under the provisions of Government Code section 8571, finding that strict compliance with various statutes and regulations specified in that order would prevent, hinder, or delay appropriate actions to prevent and mitigate the effects of COVID-19; and

WHEREAS, Executive Order N-29-20, in part, suspended certain provisions of the Ralph M. Brown Act (Brown Act) related to participation in meetings via teleconference in order to provide legislative bodies with more flexibility to hold public meetings while maintaining social distancing due to COVID-19; and

WHEREAS, on June 11, 2021, the Governor issued Executive Order N-08-21 which, in part, provides that the teleconferencing provisions set forth in Executive Order N-29-20 expire on September 30, 2021; and

WHEREAS, on September 16, 2021, the Governor signed Assembly Bill 361 into law, amending the Brown Act in order to continue some of the teleconferencing flexibility during a State of Emergency following the expiration of Executive Order N-29-20 on September 30, 2021; and

WHEREAS, in order to utilize the teleconferencing provisions of Assembly Bill 361, there must be a proclaimed State of Emergency and either: (1) social distancing measures recommended by State or local officials or (2) the legislative body determines by majority vote that meeting in person would present imminent risks to the health or safety of attendees; and

WHEREAS, there is currently a State of Emergency in California pursuant to the Governor's March 4, 2020, proclamation; and

WHEREAS, the Centers for Disease Control and Prevention (CDC) states the Omicron variant, and its lineages spreads more easily than earlier variants of the virus, including the Delta variant, and expects that anyone with an Omicron infection can spread the virus to others, even if they are vaccinated or don't have symptoms (<https://www.cdc.gov/coronavirus/2019-ncov/variants/omicron-variant.html>); and

WHEREAS, the California Department of Public Health (CDPH) reports that the Omicron variant of COVID-19 is at least 2 to 4 times more transmissible than the Delta variant and has reduced effectiveness of certain antibody treatments, further sublineage BA.2.12.1 is currently the dominant Omicron sublineage in California, (<https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/COVID-Variants.aspx>); and

WHEREAS, due to the seriousness of the current pandemic situation, the CDPH strongly recommends that all persons, regardless of vaccination status, mask in indoor public settings and businesses, including in state and local government offices serving the public; and

WHEREAS, due to the ongoing State of Emergency and the public health threat posed by COVID-19, the CHILDREN'S NETWORK OF SAN BERNARDINO COUNTY POLICY COUNCIL seeks to continue to make findings, as required by Assembly Bill 361, that as a result of the COVID-19 State of Emergency, the highly contagious Omicron variant of COVID-19, the anticipated number of attendees, the likely inability to socially distance, and due to the unique characteristics of the size and capacity of its meeting location, meeting in person continues to present an imminent risk to the health or safety of meeting attendees; and

WHEREAS, the circumstances of the State of Emergency continue to directly impact the ability of the members of the legislative body and members of the public to meet safely in person at the meeting facilities of the CHILDREN'S NETWORK OF SAN BERNARDINO COUNTY POLICY COUNCIL; and

WHEREAS, in the interest of public health and safety, as affected by the emergency caused by the spread of COVID-19, the CHILDREN'S NETWORK OF SAN BERNARDINO COUNTY POLICY COUNCIL thus intends to continue to invoke the provisions of Assembly Bill 361 related to teleconferencing as provided in subdivision (e) of Government Code section 54953; and

OPERATIVE PROVISIONS

NOW, THEREFORE, BE IT RESOLVED, by the CHILDREN'S NETWORK OF SAN BERNARDINO COUNTY POLICY COUNCIL, as follows:

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

Section 2. The Governor's State of Emergency Declaration, issued on March 4, 2020, remains active.

Section 3. As a result of the March 4, 2020, State of Emergency, and the highly contagious Omicron variant of COVID-19, meeting in person at the meeting facilities of the CHILDREN'S NETWORK OF SAN BERNARDINO POLICY COUNCIL continues to present an imminent risk to the health and safety of attendees due to the unique characteristics of the size and capacity of its meeting facilities, the anticipated number of attendees, and the likely inability to socially distance.

Section 4. This Resolution and the findings contained herein shall apply to the CHILDREN'S

NETWORK OF SAN BERNARDINO POLICY COUNCIL.

Section 5. This Resolution shall take effect immediately upon its adoption and shall be effective until the earlier of (i) thirty (30) days after the adoption of this Resolution, or (ii) such time the CHILDREN'S NETWORK OF SAN BERNARDINO POLICY COUNCIL adopts a subsequent resolution in accordance with Government Code section 54953(e)(3) to extend the time during which the CHILDREN'S NETWORK OF SAN BERNARDINO POLICY COUNCIL may continue to teleconference in compliance with subdivision (e) of Section 54953 of the Government Code.

The foregoing Resolution was passed and adopted this ____ day of _____ 2022, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

Chairperson

ATTEST:

Secretary/Clerk