

**RESOLUTION NO. 2023-01 (SUBSEQUENT)**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE RODEO – HERCULES FIRE PROTECTION DISTRICT PROCLAIMING A LOCAL EMERGENCY PERSISTS, RE-RATIFYING THE PROCLAMATION OF A STATE OF EMERGENCY BY GOVERNOR NEWSOM’S ORDER N-15-21 ON SEPTEMBER 20, 2021 AND RE-AUTHORIZING REMOTE TELECONFERENCE MEETINGS OF THE LEGISLATIVE BODIES OF RODEO – HERCULES FIRE PROTECTION DISTRICT FOR THE PERIOD February 3, 2023 THROUGH MARCH 5, 2023 PURSUANT TO THE BROWN ACT’S PROVISIONS.**

WHEREAS, the RODEO – HERCULES FIRE PROTECTION DISTRICT is committed to preserving and nurturing public access and participation in meetings of the Board of Directors; and

WHEREAS, all meetings of RODEO – HERCULES FIRE PROTECTION 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 District’s legislative bodies conduct their business; and

WHEREAS, the Brown Act, Government Code section 54953(e), makes provision 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 a Resolution, Number 2021-09 on October 13, 2021, finding that the requisite conditions existed for the legislative bodies of RODEO – HERCULES FIRE PROTECTION DISTRICT to conduct remote teleconference meetings without compliance with paragraph (3) of subdivision (b) of section 54953; and

WHEREAS, the Board of Directors previously adopted a subsequent Resolution, Number 2021-10 on December 21, 2021, finding that the requisite conditions exist for the legislative bodies of RODEO – HERCULES FIRE PROTECTION DISTRICT to conduct remote teleconference meetings without compliance with paragraph (3) of subdivision (b) of section 54953; and

WHEREAS, the Board of Directors previously adopted subsequent resolutions, Number 2022-01 on February 9, 2022, Number 2022-02 on April 13, 2022 Number 2022-04 on June 1, 2022, Number 2022-06 on August 10, 2022, Number 2022-07 on September 14, 2022, Number 2022-09 on October 26, 2022, and Number 2022-10 on December 13, 2022, finding that the requisite conditions exist for the legislative bodies of RODEO – HERCULES FIRE PROTECTION DISTRICT to conduct remote teleconference meetings 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 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, on June 11, 2021, an Executive Order N-08-21 was issued to roll back certain provisions of Governor Newsom's COVID-19-related Executive Orders and to clarify that other provisions remained necessary to help California respond to, recover from, and mitigate the impacts of the COVID-19 pandemic; and;

WHEREAS, since the issuance of Executive Order N-08-21, the highly contagious Delta and Omicron variants have emerged, causing a spike in cases throughout the state; and

WHEREAS, the Board of Directors does hereby find that a State of Emergency exists in California as a result of the threat of COVID-19 **AND** in order to slow the spread of the more contagious Omicron variants of COVID-19, meeting in person would present imminent risksto the health or safety of attendees and COVID-19 has caused, and will continue to cause, conditions of peril to the safety of persons within the District that are likely to be beyond the control of services, personnel, equipment, and facilities of the District, such that the Board of Directors ratifies the proclamation of state of emergency by the Governor of the State of California to include the Rodeo-Hercules Fire Protection District; and;

WHEREAS, as a consequence of the local emergency persisting, the Board of Directors does hereby find that the legislative bodies of RODEO – HERCULES FIRE PROTECTION DISTRICT shall continue to 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 continue to 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 Rodeo-Hercules Fire Protection District will ensure that opportunity is given to the public to participate in meetings, that District meetings remain as accessible as possible, giving every opportunity for members of the public to be allowed to observe the public meeting, offer comment during the meeting remotely, via either a call-in or internet-based option, and that meeting agendas will be posted in accordance with Brown Act regulations and include information for remote access accessibility by phone, URL, platform link and password.

NOW, THEREFORE, THE BOARD OF DIRECTORS OF RODEO – HERCULES FIRE PROTECTION DISTRICT 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 Board of Directors hereby finds that State of Emergency still exists in California as a result of the threat of COVID-19 **AND** In order to slow the spread of the more contagious Omicron variants of COVID-19, meeting in person would present imminent risksto the health or safety of attendees and COVID-19 has caused, and will continue to cause, conditions of peril to the safety of persons within the District that are likely to be beyond the control of services, personnel, equipment, and facilities of the District, and desires to ratify the

proclamation of state of emergency by the Governor of the State of California to include the Rodeo-Hercules Fire Protection District; and

Section 3. Re-ratification of Governor’s Proclamation of a State of Emergency. The Board hereby ratifies the Governor of the State of California’s Proclamation of State of Emergency, effective as of October 26, 2022.

Section 4. Remote Teleconference Meetings. The Fire Chief, Board Clerk and the legislative bodies of the RODEO – HERCULES FIRE PROTECTION DISTRICT are hereby authorized and directed to take all actions necessary to carry out the intent and purpose of this Resolution including, continuing to conduct open and public meetings in accordance with Government Code section 54953(e) and other applicable provisions of the Brown Act.

Section 5. Effective Date of Resolution. This Resolution shall take effect immediately upon its adoption and shall be effective until the earlier of March 5, 2023, 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 RODEO – HERCULES FIRE PROTECTION 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 Rodeo-Hercules Fire Protection District, this 3<sup>rd</sup> day of February by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

\_\_\_\_\_  
Chairperson

ATTEST:

\_\_\_\_\_  
Kimberly Corcoran, Clerk of the Board