

SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA



ITEM: 2.11
(ID # 20968)

MEETING DATE:

Tuesday, January 10, 2023

FROM : CLERK OF THE BOARD:

SUBJECT: CLERK OF THE BOARD: Adoption of Resolution No. 2023-037 Authorizing Remote Teleconference Meetings of the Legislative Bodies of the Board of Supervisors for the Period of 30 days, ending February 8, 2023, Pursuant to the Ralph M. Brown Act. [\$0]

RECOMMENDED MOTION: That the Board of Supervisors:

1. Adoption of Resolution No. 2023-037 Authorizing Remote Teleconference Meetings of the Legislative Bodies of the Board of Supervisors for the Period of 30 days, ending February 8, 2023, pursuant to the Ralph M. Brown Act.

ACTION:Consent

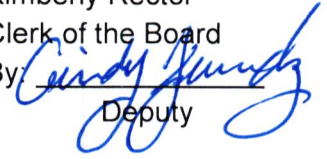

Kimberly Rector, Clerk of the Board 1/3/2023

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Spiegel, seconded by Supervisor Perez and duly carried by unanimous vote, IT WAS ORDERED that the above matter is approved as recommended.

Ayes: Jeffries, Spiegel, Washington, Perez and Gutierrez
Nays: None
Absent: None
Date: January 10, 2023
xc: COBAB

Kimberly Rector
Clerk of the Board

By: 
Deputy

**SUBMITTAL TO THE BOARD OF SUPERVISORS COUNTY OF RIVERSIDE,
STATE OF CALIFORNIA**

BACKGROUND:

Summary

On September 16, 2021, Governor Gavin Newsom signed Assembly Bill (AB) 361 into law, amending the Ralph M. Brown Act and allowing legislative bodies to have flexibility to meet virtually during the present public health emergency. Specifically, AB 361 suspended the requirements located in Government Code section 54953(b)(3) with respect to certain teleconferencing requirements.

By adopting Resolution 2023-037, the Board of Supervisors would be permitted, under the provisions of AB 361, to meet virtually for a maximum period of thirty (30) days. After thirty (30) days, the Board would need to renew its resolution consistent with the requirements of AB 361, if the Board desires to continue meeting virtually under the modified Brown Act requirements.

Further, by adopting this Resolution, individual members of the Board of Supervisors may teleconference into meetings during the time period specified. This Resolution does not change the fact that meetings must still be noticed with a compliant agenda in advance as required by the Brown Act. Additionally, members of the public will continue to be provided an opportunity to provide comment in person and virtually.



Aaron Gettis, Deputy County Counsel 1/3/2023

RESOLUTION NO. 2023-037

**A RESOLUTION OF THE BOARD OF SUPERVISORS
OF THE COUNTY OF RIVERSIDE
AUTHORIZING REMOTE TELECONFERENCE MEETINGS
FOR THE BOARD OF SUPERVISORS
FOR THE PERIOD JANUARY 10, 2023 TO FEBRUARY 8, 2023
PURSUANT TO THE RALPH M. BROWN ACT.**

WHEREAS, all meetings of the Board of Supervisors and its 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 view the legislative bodies 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 requirements; and

WHEREAS, a required condition of Government Code section 54953(e) 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(b); and

WHEREAS, a further required condition of Government Code section 54953(e) is that state or local officials have imposed or recommended measures to promote social distancing, or, the legislative body holds a meeting to determine or has determined by a majority vote that meeting in person would present imminent risks to the health and safety of attendees; and

WHEREAS, on March 4, 2020, Governor Newsom issued a Proclamation of a State of Emergency declaring a state of emergency exists in California due to the threat of COVID-19, pursuant to the California Emergency Services Act (Government Code section 8625); and,

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1 **WHEREAS**, on June 11, 2021, Governor Newsom issued Executive Order N-07-21, which
2 formally rescinded the Stay-at-Home Order (Executive Order N-33-20), as well as the framework for a
3 gradual, risk-based reopening of the economy (Executive Order N-60-20, issued on May 4, 2020) but did
4 not rescind the proclaimed state of emergency; and,

5 **WHEREAS**, on June 11, 2021, Governor Newsom issued Executive Order N-08-21, which set
6 expiration dates for certain paragraphs of the State of Emergency Proclamation dated March 4, 2020 and
7 other Executive Orders but did not rescind the proclaimed state of emergency; and,

8 **WHEREAS**, on January 5, 2022, Governor Newsom issued Executive Order No. N-1-22 extending
9 the sunset provisions for the virtual teleconferencing provisions of AB 361 for Education Code section
10 89305.6(g) and Government Code section 11133(g); and,

11 **WHEREAS**, on February 25, 2022, Governor Newsom issued Executive Order N-04-22 lifting all
12 but 5 percent of the COVID-19 related executive order provisions while maintaining the State of Emergency
13 Proclamation dated March 4, 2020 and maintaining California's nation-leading testing and vaccination
14 programs and protecting hospital and health facility capacity as part of the state's SMARTER Plan; and,

15 **WHEREAS**, on June 17, 2022, Governor Newsom issued Executive Order No-11-22 terminating
16 certain Cal/OSHA's COVID-19 Emergency Temporary Standards, not including Title 8 of the California
17 Code of Regulations, Section 3205(c)(5)(D); and,

18 **WHEREAS**, as of the date of this Resolution, neither the Governor nor the state Legislature have
19 exercised their respective powers pursuant to Government Code section 8629 to lift the state of emergency
20 either by proclamation or by concurrent resolution the state Legislature; and,

21 **WHEREAS**, the California Department of Industrial Relations has issued regulations related to
22 COVID-19 Prevention for employees and places of employment. Title 8 of the California Code of
23 Regulations, Section 3205(c)(5)(D) specifically recommends physical (social) distancing as one of the
24 measures to decrease the spread of COVID-19 based on the fact that particles containing the virus can travel
25 more than six feet, especially indoors; and,

26 **WHEREAS**, the Board of Supervisors finds that state or local officials have imposed or
27 recommended measures to promote social distancing, based on the California Department of Industrial
28 Relations' issuance of regulations related to COVID-19 Prevention through Title 8 of the California Code

1 of Regulations, Section 3205(c)(5)(D); and,

2 **WHEREAS**, as a consequence, the Board of Supervisors does hereby find that it and its legislative
3 bodies shall conduct their meetings by teleconferencing without compliance with Government Code section
4 54953(b)(3), pursuant to Section 54953(e), and that such legislative bodies shall comply with the
5 requirements to provide the public with access to the meetings as prescribed by Government Code section
6 54953(c)(2).

7 **NOW, THEREFORE, BE IT RESOLVED, FOUND AND ORDERED** by the Board of
8 Supervisors in regular session assembled on January 10, 2023 does hereby resolve as follows:

9 Section 1. Recitals. All of the above recitals are true and correct and are incorporated into this
10 Resolution by this reference.

11 Section 2. State or Local Officials Have Imposed or Recommended Measures to Promote Social
12 Distancing. The Board of Supervisors hereby proclaims that state officials have imposed or recommended
13 measures to promote social (physical) distancing based on the California Department of Industrial
14 Relations' issuance of regulations related to COVID-19 Prevention through Title 8 of the California Code
15 of Regulations, Section 3205(c)(5)(D).

16 Section 3. Remote Teleconference Meetings. The Board of Supervisors and any of its
17 legislative bodies are hereby authorized and directed to take all actions necessary to carry out the intent and
18 purpose of this Resolution including, conducting open and public meetings in accordance with Government
19 Code section 54953(e) and other applicable provisions of the Brown Act.

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1 Section 4. Effective Date. This Resolution shall take effect immediately upon its adoption and
2 shall be effective until the earlier of (i) February 8, 2023, or (ii) such time the Board of Supervisors adopts
3 a subsequent resolution in accordance with Government Code section 54953(e)(3) to extend the time during
4 which its legislative bodies may continue to teleconference without compliance with Section 54953(b)(3).
5

6 ADOPTED this 10th day of January, 2023 by the Board of Supervisors, by the following vote:
7

8 YES:

9 NO:

10 ABSENT:

11 ABSTAIN:

12 ROLL CALL:

13 Ayes: Jeffries, Spiegel, Washington, Perez and Gutierrez

14 Nays: None

15 Absent: None

16 The foregoing is certified to be a true copy of a resolution duly adopted by said Board of Supervisors on the
17 date therein set forth.

18 KIMBERLY . RECTOR, Clerk of said Board

19 By:  _____

20 Deputy

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