

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



ITEM: 2.7  
(ID # 21074)

MEETING DATE:  
Tuesday, February 07, 2023

FROM : CLERK OF THE BOARD:

SUBJECT: CLERK OF THE BOARD: Adoption of Resolution No. 2023-050 Authorizing Remote Teleconference Meetings of the Legislative Bodies of the Board of Supervisors for the Period of 30 days, ending March 8, 2023 or until the Governor ends the State of Emergency Proclamation dated March 4, 2020, whichever is sooner, pursuant to the Ralph M. Brown Act. [\$0]

RECOMMENDED MOTION: That the Board of Supervisors:

1. Adoption of Resolution No. 2023-050 Authorizing Remote Teleconference Meetings of the Legislative Bodies of the Board of Supervisors for the Period of 30 days, ending March 8, 2023, or until the Governor ends the State of Emergency Proclamation dated March 4, 2020, whichever is sooner, pursuant to the Ralph M. Brown Act.

ACTION: Consent

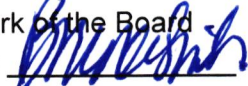
  
Kimberly Rector, Clerk of the Board 1/30/2023

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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: February 7, 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. On October 17, 2022, Governor Newsom announced the State of Emergency Proclamation dated March 4, 2020 is projected to end on February 28, 2023.

On January 10, 2023, the Board of Supervisors previously adopted Resolution No. 2023-037, finding that the requisite conditions existed for the Board of Supervisors and its legislative bodies to conduct remote teleconference meetings without compliance with Government Code Section 54953(b)(3), as authorized by Section 54953(e). As a condition of extending the use of the teleconferencing provisions for another 30 days beyond the Resolution No. 2023-037 adopted on January 10, 2023, pursuant to Government Code Section 54953(e), the Board of Supervisors must reconsider the circumstances of the state of emergency that exists and find that either the state of emergency continues to directly impact the ability of the members to meet safely in person or state or local officials continue to impose or recommend measures to promote social distancing.

Given Governor Newsom's projected end of the state of emergency on February 28, 2023, Resolution No. 2023-053 would allow the Board of Supervisors to meet virtually for thirty (30) days through March 8, 2023 or until the state of emergency ends, whichever is sooner. After thirty (30) days, if the Governor has not ended the state of emergency, 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.

2  
3 **RESOLUTION NO. 2023-050**

4 **A RESOLUTION OF THE BOARD OF SUPERVISORS**  
5 **RE-AUTHORIZING REMOTE TELECONFERENCE MEETINGS**  
6 **FOR THE BOARD OF SUPERVISORS**  
7 **FOR THE PERIOD FEBRUARY 7, 2023 TO MARCH 8, 2023**  
8 **PURSUANT TO THE RALPH M. BROWN ACT.**

9  
10 **WHEREAS**, all meetings of the Board of Supervisors and its legislative bodies are open and public,  
11 as required by the Ralph M. Brown Act (Cal. Gov. Code 54950 – 54963), so that any member of the public  
12 may attend, participate, and view the legislative bodies conduct their business; and

13 **WHEREAS**, the Brown Act, Government Code section 54953(e), makes provisions for remote  
14 teleconferencing participation in meetings by members of a legislative body, without compliance with the  
15 requirements of Government Code section 54953(b)(3), subject to the existence of certain conditions and  
16 requirements; and

17 **WHEREAS**, a required condition of Government Code section 54953(e) is that a state of emergency  
18 is declared by the Governor pursuant to Government Code section 8625, proclaiming the existence of  
19 conditions of disaster or of extreme peril to the safety of persons and property within the state caused by  
20 conditions as described in Government Code section 8558(b); and

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

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

28 **WHEREAS**, on June 11, 2021, Governor Newsom issued Executive Order N-07-21, which

FORM APPROVED COUNTY COUNSEL  
BY SARAH K. MOORE DATE 1/26/24

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

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

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

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

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

17       **WHEREAS**, on October 17, 2022, Governor Newsom announced the State of Emergency  
18 Proclamation dated March 4, 2020 is projected to end on February 28, 2023; and,

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

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

27       **WHEREAS**, on January 10, 2023, the Board of Supervisors previously adopted Resolution No.  
28 2023-037, finding that the requisite conditions existed for the Board of Supervisors and its legislative bodies



1 to conduct remote teleconference meetings without compliance with Government Code Section  
2 54953(b)(3), as authorized by Section 54953(e); and,

3 **WHEREAS**, as a condition of extending the use of the teleconferencing provisions for another 30  
4 days beyond the Resolution No. 2023-037 adopted on January 10, 2023, pursuant to Government Code  
5 Section 54953(e), the Board of Supervisors must reconsider the circumstances of the state of emergency  
6 that exists and find that either the state of emergency continues to directly impact the ability of the members  
7 to meet safely in person or state or local officials continue to impose or recommend measures to promote  
8 social distancing; and,

9 **WHEREAS**, the Board of Supervisors has reconsidered the circumstances of the state of emergency  
10 and finds that state or local officials continue to impose or recommend measures to promote social  
11 distancing, based on the California Department of Industrial Relations regulations related to COVID-19  
12 Prevention, specifically, Title 8 of the California Code of Regulations, Section 3205(c)(5)(D), continuing  
13 to remain in effect; and,

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

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

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

23 Section 2. Reconsideration of the State of Emergency. The Board of Supervisors has  
24 reconsidered the circumstances of the state of emergency that continues to exist and was proclaimed by the  
25 Governor through a State of Emergency Proclamation on March 4, 2020.

26 Section 3. State or Local Officials Continue to Impose or Recommend Measures to Promote  
27 Social Distancing. The Board of Supervisors hereby proclaims that state officials continue to impose or  
28 recommend measures to promote social (physical) distancing based on the continuance of California

1 Department of Industrial Relations regulations related to COVID-19 Prevention through Title 8 of the  
2 California Code of Regulations, Section 3205(c)(5)(D).

3 Section 4. Remote Teleconference Meetings. The Board of Supervisors and any of its  
4 legislative bodies are hereby authorized and directed to take all actions necessary to carry out the intent and  
5 purpose of this Resolution including, conducting open and public meetings in accordance with Government  
6 Code Section 54953(e) and other applicable provisions of the Brown Act.

7 Section 5. Effective Date. This Resolution shall take effect immediately upon its adoption and  
8 shall be effective until the earlier of (i) March 8, 2023, (ii) such time as Governor Newsom ends the State  
9 of Emergency Proclamation dated March 4, 2020, (iii) such time as the Board of Supervisors adopts a  
10 subsequent resolution in accordance with Government Code Section 54953(e)(3) to extend the time during  
11 which its legislative bodies may continue to teleconference without compliance with Section 54953(b)(3).

12  
13 ADOPTED this 7<sup>th</sup> day of February, 2023 by the Board of Supervisors, by the following  
14 vote:

15  
16 YES:

17 NO:

18 ABSENT:

19 ABSTAIN:

20 ROLL CALL:

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

22 Nays: None

23 Absent: None

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

26 KIMBERLY A. RECTOR, Clerk of said Board

27 By:  \_\_\_\_\_  
28 Deputy