

RESOLUTION NO. 2022-03

A RESOLUTION OF THE COMMUNITY ACTION COMMISSION OF RIVERSIDE COUNTY

AUTHORIZING REMOTE TELECONFERENCE MEETINGS

FOR THE PERIOD OCTOBER 20, 2022 THROUGH NOVEMBER 20, 2022

PURSUANT TO THE RALPH M. BROWN ACT

WHEREAS, all meetings of the Community Action Partnership of Riverside County and its committees 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 such 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 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

WHEREAS, on June 11, 2021, Governor Newsom issued Executive Order N-07-21, which formally rescinded the Stay-at-Home Order (Executive Order N-33-20), as well as the framework for a gradual, risk-based reopening of the economy (Executive Order N-60-20, issued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

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

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

1 **WHEREAS**, on February 25, 2022, Governor Newsom issued Executive Order N-04-22, which
2 set expiration dates for certain paragraphs of the State of Emergency Proclamation dated March 4, 2020,
3 and other Executive Orders but did not rescind the proclaimed state of emergency; and

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

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

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

15 **WHEREAS**, on May 5, 2022, the COVID-19 Prevention Emergency Temporary Standards were
16 updated related to workplace standards but otherwise remain in effect, including for training and
17 instruction on physical (social) distancing as one of the measures to decrease the spread of COVID-19;
18 and

19 **WHEREAS**, the Community Action Commission of Riverside County finds that state or local
20 officials have imposed or recommended measures to promote social distancing, based on the California
21 Department of Industrial Relations’ issuance of regulations related to COVID-19 Prevention through Title
22 8 of the California Code of Regulations, Section 3205(c)(5)(D); and

23 **WHEREAS**, as a consequence, the Community Action Commission of Riverside County does
24 hereby find that it, and its committees, shall conduct their meetings by teleconferencing without
25 compliance with Government Code section 54953 (b)(3), pursuant to Section 54953(e), and that such
26 bodies shall comply with the requirements to provide the public with access to the meetings as prescribed
27 by Government Code section 54953(e)(2).

28 **NOW, THEREFORE, BE IT RESOLVED, FOUND, AND ORDERED** by the Community
29 Action Commission of Riverside County, in regular session assembled on October 20, 2022, does hereby
30 resolve as follows:

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

33 Section 2. State or Local Officials Have Imposed or Recommended Measures to Promote
34 Social Distancing. The Community Action Commission of Riverside County hereby proclaims that state
35 officials have imposed or recommended measures to promote social (physical) distancing based on the

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

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

8 Section 4. Effective Date. This Resolution shall take effect immediately upon its adoption
9 and shall be effective until the earlier of (i) October 15, 2022, or (ii) such time the Community Action
10 Commission of Riverside County adopts a subsequent resolution in accordance with Government Code
11 section 54953(e)(3) to extend the time during which its legislative bodies may continue to teleconference
12 without compliance with Section 54953(b)(3).

13 ADOPTED this 20th day of October 2022 by the Community Action Commission of Riverside
14 County, by the following vote:

15 YES:

16 NO:

17 ABSENT:

18 ABSTAIN: