



FRESNO COUNTY FIRE

PROTECTION DISTRICT

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RESOLUTION No. 2022-05

IN THE MATTER OF:

A RESOLUTION OF THE FRESNO COUNTY FIRE PROTECTION DISTRICT BOARD OF DIRECTORS PROCLAIMING A LOCAL EMERGENCY EXISTS, RATIFYING THE PROCLAMATION OF A STATE OF EMERGENCY BY GOVERNOR NEWSOM ON MARCH 4, 2020, AND AUTHORIZING REMOTE TELECONFERENCE MEETINGS OF THE LEGISLATIVE BODIES OF THE FRESNO COUNTY FIRE PROTECTION DISTRICT FOR THE PERIOD FEBRUARY 17, 2022 THROUGH MARCH 17, 2022 PURSUANT TO BROWN ACT PROVISIONS.

WHEREAS, the Fresno County Fire Protection District (“District”) is committed to preserving and facilitating public access and participation in meetings of the Board of Directors (“Board”); and

WHEREAS, all meetings of the 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 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

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, that proclamation also requires 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, such emergency conditions now exist in the District, specifically, a State of Emergency has been proclaimed by Governor Newsom on March 4, 2020, proclaiming a State of Emergency to exist in California as a result of the threat of COVID-19; and

WHEREAS, during the COVID-19 pandemic, the District Board has conducted remote, teleconferenced meetings consistent with the Governor's Executive Orders promoting social distancing;

WHEREAS, consistent with AB 361, as a condition of extending the use of the provisions found in section 54953(e), the District Board must reconsider the circumstance of the state of emergency that exists in the District; and the District Board has done so;

WHEREAS, due to the surging Delta Variant of COVID-19 followed by the Omicron Variant of COVID-19, meetings in person would present imminent risk to health and safety of attendees; and

WHEREAS, the District Board does hereby find that the State of Emergency proclaimed by Governor Newsom on March 4, 2020, **AND**, the Delta Variant of COVID-19 surging in Fresno County per the Fresno County Public Health Notice on August 20, 2021 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 proclaim a local emergency exists and ratify the Proclamation of State of Emergency by the Governor of the State of California; and

WHEREAS, as a consequence of the local emergency, the District Board does hereby find that the District legislative bodies shall 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 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 District is providing teleconference access via a conference phone-line number to the meetings to ensure public access.

NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE FRESNO COUNTY FIRE PROTECTION DISTRICT DOES 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 Exists. The District Board hereby proclaims that a local emergency now exists throughout the District, and the surging Delta Variant of COVID-19 followed by the Omicron Variant of COVID-19 would present an imminent risk to meeting in person.

Section 3. Ratification of Governor's Proclamation of a State of Emergency. The District Board hereby ratifies the Governor of the State of California's Proclamation of State of Emergency, effective as of its issuance date of March 4, 2020.

Section 4. Remote Teleconference Meetings. The staff and legislative bodies of the District are hereby authorized and directed to take all actions necessary to carry out the intent and purpose of this Resolution including, conducting 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 November 20, 2021, or such time the District Board adopts a subsequent resolution in accordance with Government Code section 54953(e)(3) to extend the time during which the District legislative bodies may continue to teleconference without compliance with paragraph (3) of subdivision (b) of section 54953.

The foregoing Resolution was duly PASSED, APPROVED and ADOPTED at a Regular meeting of the District Board of Directors held on the 16th day of February, 2022, at Del Rey, California, on motion made by Director _____, seconded by Director _____ and duly carried with the following roll call vote:

AYES: _____

NOES: _____

ABSENT: _____

ABSTAIN: _____

Matt Furrer, Board President

Certification of Resolution

ATTEST:

I **DeShaunda Hermosillo** duly appointed as the Clerk of the Board of the Fresno County Fire Protection District do hereby certify that the above is a true and correct copy of District **Resolution No. 2022-05**.

WITNESS MY HAND OF THE FRESNO COUNTY FIRE PROTECTION DISTRICT, on the 16th day of February 2022.

Clerk of the Board, Fresno County
Fire Protection District

APPROVED AS TO FORM:

William D. Ross
District Counsel

