

RESOLUTION No. 2021-01

MERCED SUBBASIN COORDINATION COMMITTEE

A RESOLUTION PROCLAIMING A LOCAL EMERGENCY, RATIFYING THE PROCLAMATION OF A STATE OF EMERGENCY BY N-12-21 ISSUED ON AUGUST 16, 2021 AND AUTHORIZING REMOTE TELECONFERENCE MEETINGS OF THE MERCED SUBBASIN COORDINATION COMMITTEE FOR THE PERIOD FROM DECEMBER 22, 2021 TO JANUARY 20, 2022 PURSUANT TO BROWN ACT PROVISIONS.

WHEREAS, the MERCED SUBBASIN COORDINATION COMMITTEE (“Committee”) is committed to preserving and nurturing public access and participation in meetings of the members on the Committee; and

WHEREAS, all meetings of the Committee’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 Committee’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 Committee’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, such conditions now exist, specifically, by the Governor’s Order N-12-21, the Governor has extended the order declaring a State of Emergency due to the impacts of COVID-19; and

WHEREAS, the County of Merced has recommended continued social distancing to combat the imminent risk to the public health and safety due to COVID-19; and

WHEREAS, the Committee members do hereby find that such conditions has caused, and will continue to cause, conditions of peril to the safety of persons within the boundaries of the Merced Subbasin that are likely to be beyond the control of Committee services, personnel, equipment, and facilities, and desires to proclaim a local emergency 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 Committee members do hereby find that the legislative bodies of the Committee 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 Committee shall ensure that the public has the opportunity to participate live in all electronic meetings of the Committee and all its legislative bodies during all public comment periods.

NOW, THEREFORE, THE COMMITTEE MEMBERS OF THE MERCED SUBBASIN COORDINATION COMMITTEE 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. Proclamation of Local Emergency. The Committee members hereby proclaims that a local emergency now exists throughout the Merced Subbasin, and full in-person meetings could cause an imminent risk to the Committee members, staff and public.

Section 3. Ratification of Governor's Proclamation of a State of Emergency. The Committee members hereby ratify the Governor of the State of California's Proclamation of State of Emergency, effective as of its issuance date of August 16, 2021.

Section 4. Remote Teleconference Meetings. The staff and legislative bodies of the Committee 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 on December 22, 2021, and shall be effective until the earlier of (i) January 20, 2022, or (ii) such time the Committee members adopt a subsequent resolution in accordance with Government Code section 54953(e)(3) to extend the time during which the legislative bodies of the Committee may continue to teleconference without compliance with paragraph (3) of subdivision (b) of section 54953.

PASSED, APPROVED, AND ADOPTED this 22nd day of December, 2021, by a motion from Member

Nic Marchini and a second by Member Kel Mitchel, with the following vote to wit:

AYES: EITal, Vinson, Chavez, Swenson, Upton

NOES:

ABSTAIN:

ABSENT: Dietz