

APR '22

RESOLUTION NO. 2021-03

**RESOLUTION OF THE GOVERNING BOARD
OF THE SOUTHERN INYO FIRE PROTECTION DISTRICT**

RESOLUTION NO. 2021-03

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE Southern Inyo FPD PROCLAIMING A LOCAL EMERGENCY, RE-RATIFYING THE PROCLAMATION OF A STATE OF EMERGENCY BY Proclamation of a Gubernatorial State of Emergency (March 4, 2020), AND AUTHORIZING REMOTE TELECONFERENCE MEETINGS OF THE STANDING AND AD HOC COMMITTEES AND LEGISLATIVE BODIES OF Southern Inyo FPD FOR THE PERIOD April 20, 2022 through May 18, 2022 PURSUANT TO BROWN ACT PROVISIONS.

WHEREAS, the Southern Inyo FPD is committed to preserving and nurturing public access and participation in meetings of the Board of Directors; and

WHEREAS, all meetings of Southern Inyo FPD's standing and ad hoc committees and 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

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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, the Board of Directors previously adopted a Resolution, Number 2021-02 on October 20, 2021, finding that the requisite conditions exist for the standing and ad hoc committees and legislative bodies of Southern Inyo FPD to conduct remote teleconference meetings without compliance with paragraph (3) of subdivision (b) of section 54953; and

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

WHEREAS, emergency conditions persist in the District, specifically, by the still active Governor's March 4, 2020 COVID State of Emergency Proclamation; and

WHEREAS, in-person meetings would jeopardize the health and safety of District member and the public; and

WHEREAS, the Board of Directors does hereby find that the COVID pandemic 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 and re-ratify the proclamation of state of emergency by the Governor of the State of California; and

WHEREAS, as a consequence of the local emergency persisting, the Board of Directors does hereby find that the standing and ad hoc committees and legislative bodies of Southern Inyo FPD shall continue to 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 continue to 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, continuing to meet electronically via Zoom or by other online means protects the health and safety of the public and District members.

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NOW, THEREFORE, THE BOARD OF DIRECTORS OF Southern Inyo FPD 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 Persists. The Board of Directors hereby considers the continuing conditions of the state of emergency in the District and proclaims that a local emergency persists throughout the District, thereby making in-person meetings an unacceptable risk to health and safety.

Section 3. Re-Ratification of Governor's Proclamation of a State of Emergency. The Board hereby re-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 Board of Directors and standing and ad hoc committees and legislative bodies of Southern Inyo FPD 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 (i) May 18, 2022, or such time the Board of Directors adopts a subsequent resolution in accordance with Government Code section 54953(e)(3) to extend the time during which the legislative bodies of Southern Inyo FPD may continue to teleconference without compliance with paragraph (3) of subdivision (b) of section 54953.

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PASSED AND ADOPTED by the Governing Board of the District at a regular meeting held on the 20th day of April, 2022, by the following vote:

Motion passed 4 / 0 / 1 / 0.

| | AYE | NOE | ABSTAIN | ABSENT |
|-----------------------------|--------------|-------|--------------|--------|
| Chair, [Robin Flinchum] | _____ | _____ | <u> X </u> | _____ |
| Vice-Chair, [Robert Barbee] | <u> X </u> | _____ | _____ | _____ |
| Secretary, [Jon Zellhoefer] | <u> X </u> | _____ | _____ | _____ |
| Treasurer, [Christy Horne] | <u> X </u> | _____ | _____ | _____ |
| Director, [Gary Barkley] | <u> X </u> | _____ | _____ | _____ |



Robin Flinchum, Chairperson
Southern Inyo Fire Protection District Board

ATTEST:  _____
Mike Jerry, Dept. Secretary of the Southern Inyo Fire Protection District