

RESOLUTION NO. 2021-10-1

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE BELVEDERE TIBURON JOINT RECREATION COMMITTEE PROCLAIMING A LOCAL EMERGENCY, RATIFYING THE PROCLAMATION OF A STATE OF EMERGENCY RELATED TO COVID-19 BY CALIFORNIA GOVERNOR NEWSOM ON MARCH 4, 2020, AND AUTHORIZING REMOTE TELECONFERENCE MEETINGS OF THE LEGISLATIVE BODIES OF THE BELVEDERE TIBURON JOINT RECREATION COMMITTEE FOR THE PERIOD OF OCTOBER 1-31, 2021 PURSUANT TO BROWN ACT PROVISIONS.

WHEREAS, the Belvedere Tiburon Joint Recreation Committee is committed to preserving and nurturing public access and participation in meetings of the Board of Directors; and

WHEREAS, all meetings of Belvedere Tiburon Joint Recreation 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 in the Committee, specifically, a state of emergency has been proclaimed related to COVID-19 by California Governor Newsom on March 4, 2020 and Marin County Health Orders require COVID-19 precautions; and

WHEREAS, Marin County Health Order issued August 2, 2021 requires face coverings for people indoor in the same room and social distancing is encouraged especially for high risk individuals,

WHEREAS, the Board of Directors does hereby find that COVID-19 poses a health risk to residents, staff, and Board Members of the Belvedere Tiburon Joint Recreation Committee, and, face covering and social distancing orders has caused, and will continue to cause, conditions of peril to the safety of persons within the Committee that are likely to be beyond the control of services, personnel, equipment, and facilities of the Committee, 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 Board of Directors does hereby find that the legislative bodies of Belvedere Tiburon Joint Recreation Committee's 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, Belvedere Tiburon Joint Recreation Committee will continue to post all public meeting agendas on its website and continue to provide Zoom links on the agendas that allow open participation in the meetings to ensure access for the public.

NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE BELVEDERE TIBURON JOINT RECREATION 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 Board hereby proclaims that a local emergency now exists throughout the Committee, and due to COVID-19 and required the State and County COVID-19 orders Board Meetings in person would present imminent risk.

Section 3. Ratification of Governor's Proclamation of a State of Emergency. The 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 Belvedere Tiburon Joint Recreation 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 immediately upon its adoption and shall be effective until the earlier of (i) October 1, 2021, 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 Belvedere Tiburon Joint Recreation Committee may continue to teleconference without compliance with paragraph (3) of subdivision (b) of section 54953.

PASSED AND ADOPTED by the Board of Directors of the Belvedere Tiburon Joint Recreation Committee this _____ day of _____, 20____, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN: