

RESOLUTION NO. 22-10

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
MORAGA-ORINDA FIRE PROTECTION DISTRICT OF
CONTRA COSTA COUNTY RE-RATIFYING FINDINGS AND DETERMINING
A NEED TO CONTINUE HOLDING REMOTE MEETINGS BY TELECONFERENCE**

WHEREAS, the Board of Directors of the Moraga Orinda Fire District (“District”) is committed to preserving public access and participation in meetings of the Board of Directors; and

WHEREAS, all meetings of the District’s Board 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 Board conduct its business; and

WHEREAS, Government Code section 54953(e) of the Brown Act, allows a legislative body to hold a teleconference meeting, without compliance with the requirements of Government Code section 54953(b)(3), subject to the existence of certain conditions; and

WHEREAS, the Board of Directors previously adopted a Resolution Number 21-17 on October 18, 2021, finding that the requisite conditions exist for the legislative bodies of the District to conduct remote teleconference meetings without compliance with paragraph (3) of subdivision (b) of section 54953; and

WHEREAS, in order to meet by teleconference under Government Code section 54953(e), the Governor must have proclaimed a state of emergency under the California Emergency Services Act (Govt. Code § 8625 *et. seq.*); the legislative body must reconsider the circumstances of the state of emergency; and the legislative body must find that the state of emergency continues to directly impact the ability of the members to meet safely in person and/or state or local officials continue to impose or recommend measures to promote social distancing; and

WHEREAS, on March 4, 2020, Governor Newsom proclaimed a State of Emergency declared by Governor Newsom under the California Emergency Services Act due to COVID-19, which is still in existence; and

WHEREAS, on March 1, 2022, the Contra Costa County Health Officer issued Recommendations for Safely Holding Public Meetings. Online meetings (i.e., teleconferencing meetings) are strongly recommended. Online meetings present the lowest risk of transmission of SARS CoV-2 (the virus that causes COVID-19) in light of the current community prevalence rate as of March 1, 2022. Current trends as of March 1, 2022, in COVID-19 case rate, COVID-19 test positivity, and COVID-19 hospitalizations are decreasing, but cases rates remain high with the Omicron variant of COVID-19 being the predominant variant identified, the impact of which on the spread of COVID-19 has shown to dramatically increase COVID-19 transmission; and

WHEREAS, many persons who regularly attend Board meetings are over the age of 65 and therefore considered particularly vulnerable to COVID-19; and

WHEREAS, the District provides in the public notices and agendas for all public meetings the online and telephone options for participation in public meetings, protecting the right of the public to

address their local officials and to participate in public meetings, and posts this information on the District's website, including instructions on how to access the public meeting remotely.

NOW, THEREFORE BE IT RESOLVED, that the Board of Directors has reconsidered the circumstances of the state of emergency; and be it

FURTHER RESOLVED, that the Board finds that State or local officials continue to impose or recommend measures to promote social distancing and that State of Emergency declared by Governor Newsom on March 4, 2020, continues to directly impact the ability of Board members, staff, and the public to meet safely in person; and be it

FURTHER RESOLVED, that the Board finds that because of the aforesaid declared State of Emergency, meeting in person would present an imminent risk to the health or safety of meeting attendees; and be it

FURTHER RESOLVED, that the Board authorizes and directs the Fire Chief to place on the Board's agenda, at least once monthly, reconsideration of the State of Emergency to determine whether circumstances warrant continuing to meet by teleconference under Government Code section 54953(e)(3); and be it

FURTHER RESOLVED, that the Board does hereby direct that its Committees make these same findings until directed otherwise by the Board; and be it

FURTHER RESOLVED, that the Board authorizes and directs the Fire Chief 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; and be it

FURTHER RESOLVED, that this Resolution shall take effect immediately upon its adoption and shall be effective until the earlier of (i) May 20, 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 District's Board may continue to teleconference without compliance with paragraph (3) of subdivision (b) of section 54953.

PASSED, APPROVED and ADOPTED this 20th day of April 2022 at a regular meeting of the District Board of Directors held virtually due to the COVID-19 pandemic on motion made by Director Jorgens and seconded by Director Danziger, and duly carried with the following roll call vote:

AYES: DIRECTORS DANZIGER, JEX, JORGENS, AND DONNER

NOES: NONE

ABSENT: DIRECTOR BAITX

ABSTAIN: NONE

Resolution 22-10
Dated: April 20, 2022

Michael Donner
Michael Donner (Apr 21, 2022 17:59 PDT)
Michael Donner, President
Board of Directors

ATTEST:

Marcia Holbrook
Marcia Holbrook
District Secretary/District Clerk