

## RESOLUTION NO. 2022-2

### A RESOLUTION OF THE BOARD OF DIRECTORS OF THE SILICON VALLEY ANIMAL CONTROL AUTHORITY TO HOLD PUBLIC MEETINGS SOLELY BY TELECONFERENCE OR OTHERWISE ELECTRONICALLY PURSUANT TO AB 361 (2021)

#### BE IT RESOLVED BY THE SILICON VALLEY ANIMAL AUTHORITY AS FOLLOWS:

**WHEREAS**, the Silicon Valley Animal Authority (SVACA) is a joint powers agency comprised of 4 member cities;

**WHEREAS**, SVACA is committed to preserving and nurturing public access and participation in meetings of the SVACA Board of Directors;

**WHEREAS**, all meetings of the SVACA Board of Directors are open and public, as required by the Ralph M. Brown Act (California Government Code Sections 54950, et seq., hereinafter referred to as the "Brown Act"), so that any member of the public may attend, participate, and watch the SVACA Board of Directors conduct their business;

**WHEREAS**, the Brown Act allows a local legislative body to hold public meetings by teleconference and to make public meetings accessible telephonically or otherwise electronically to all members of the public seeking to attend and to address the local legislative body, as long as the following requirements are met: (1) each teleconference location from which a member is participating is noticed on the agenda; (2) each teleconference location is accessible to the public; (3) members of the public must be able to address the body at each teleconference location; (4) at least one member of the legislative body must be physically present at the location specified in the meeting agenda; and (5) during teleconference meetings, at least a quorum of the members of the local body must participate from locations within the local body's territorial jurisdiction;

**WHEREAS**, on March 17, 2020, Governor Gavin Newsom issued Executive Order N-29-20 which suspended the Brown Act teleconferencing requirements so that legislative bodies can hold public meetings solely by teleconference, or otherwise electronically, without listing the

teleconference locations and without any physical location, as long as the agenda that is posted 72 hours in advance indicates that the members of the legislative body will be participating by teleconference, provides the teleconference or webinar access information by which the public may participate electronically, and lists the procedure for individuals with disabilities to request reasonable accommodations;

**WHEREAS**, on June 11, 2021, Governor Newsom issued Executive Order N-08-21, which sunsets the Brown Act provisions of Executive Order N-29-20 on September 30, 2021;

**WHEREAS**, on September 16, 2021, Governor Newsom signed urgency ordinance AB 361 which allows a local agency to use teleconferencing for public meetings without posting the teleconferencing locations on the agenda and without requiring the teleconference locations to be accessible to the public during a Governor-proclaimed state of emergency pursuant to California Government Code Section 8625 et seq, if the state of emergency continues to directly impact the ability of the members of its legislative bodies to meet safely in person or state or local officials continue to impose or recommend measures to promote social distancing;

**WHEREAS**, in light of the continued state of emergency related to COVID-19, the Santa Clara County Public Health Officer continues to recommend that public bodies meet remotely to the extent possible, specifically including use of newly enacted AB 361 to maintain remote meetings under the Ralph M. Brown Act and similar laws, as outlined in their "Recommendation Regarding Continued Remote Public Meetings of Governmental Entities" issued on September 21, 2021;

**WHEREAS**, on December 15, 2021, and January 12, 2022, the SVACA board adopted Resolutions Nos. 2021-5 and 2022-1, respectively, to allow the SVACA board to hold public meetings solely by teleconference or otherwise electronically pursuant to AB 361; and

**WHEREAS**, on November 22, 2021, Santa Clara County moved into the moderate (orange) COVID-19 transmission tier; and

**WHEREAS**, on November 25, 2021, scientists identified the latest COVID-19 variant, Omicron,

which has prompted concern among scientists and public health officials because of an unusually high number of mutations that have the potential to make the virus more transmissible and less susceptible to existing vaccines; and

**WHEREAS**, Government Code Section 54953(e)(3) requires that the SVACA Board of Directors review the need and make findings for continuing the teleconferencing without complying with the agenda posting and public comment requirements at least once every thirty (30) days until Governor terminates the state of emergency; and,

**WHEREAS**, the associated emergency conditions are on-going and there is a need to continue teleconferencing for public meetings without posting the teleconferencing locations on the agenda and without requiring the teleconference locations to be accessible to the public during the current Governor-proclaimed COVID-19 state of emergency and if approved, will be in effect for 30 days and will expire on March 11, 2022 unless staff returns to the SVACA Board of Directors on or before March 9, 2022 to request to continue the need for teleconferencing.

**NOW THEREFORE, BE IT FURTHER RESOLVED BY THE SILICON VALLEY ANIMAL AUTHORITY AS FOLLOWS:**

1. That the SVACA Board of Directors hereby finds that the state of emergency conditions related to COVID-19 are on-going.
2. That the SVACA Board of Directors finds that there is a need to continue teleconferencing for public meetings without posting the teleconferencing locations on the agenda and without requiring the teleconference locations to be accessible to the public during the current Governor-proclaimed COVID-19 state of emergency.
3. That the SVACA Board of Directors finds that the state of emergency continues to directly impact the ability of members of the SVACA Board of Directors to meet safely in person.
4. That state and local officials continue to impose or recommend measures to promote social distancing in government facilities.
5. That members of the SVACA Board of Directors are authorized to use teleconferencing,

or other electronic means, to hold its public meetings without noticing the teleconferenced locations on the agenda, without making teleconferenced or physical locations accessible to the public, without posting agendas at teleconferenced locations, without requiring members of the legislative bodies to be physically present at the meeting, and without requiring a quorum of the members of the legislative body to participate from locations with the Board's jurisdiction, as long as the agenda that is posted in advance indicates that members of the Board may be participating electronically, provides the teleconference or webinar access information by which the public may participate electronically, and lists the procedure for individuals with disabilities to request reasonable accommodations, in compliance with AB 361 (2021), Government Code Section 54953(e).

6. That the Executive Director is hereby directed to report to the SVACA Board of Directors within thirty (30) days on the need to further continue teleconferencing for public meetings without posting the teleconferencing locations on the agenda and without requiring the teleconference locations to be accessible to the public during the current Governor-proclaimed COVID-19 state of emergency.

7. Effective Date. This resolution shall become effective immediately.

I HEREBY CERTIFY THE FOREGOING TO BE A TRUE COPY OF A RESOLUTION PASSED AND ADOPTED BY THE SILICON VALLEY ANIMAL CONTROL AUTHORITY AT A REGULAR MEETING THEREOF HELD ON THE \_\_\_ DAY OF \_\_\_\_\_, 2022, BY THE FOLLOWING

VOTE:

AYES:

NOES:

ABSENT:

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Paul Resnikoff, Chairperson, Board of Directors  
Silicon Valley Animal Control Authority

ATTEST:

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Dan Soszynski  
Executive Director/Board Secretary

Attachments incorporated by reference: None