

**RESOLUTION OF THE PLANNING COMMISSION
OF THE COUNTY OF HUMBOLDT**

Resolution Number 23-

RE-AUTHORIZING REMOTE TELECONFERENCE MEETINGS FOR THE PERIOD February 16, 2023, THROUGH February 28, 2023, PURSUANT TO THE RALPH M. BROWN ACT.

WHEREAS, all meetings of the Humboldt County Planning Commission 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 view the 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 requirements; and

WHEREAS, a required condition of Government Code section 54953(e) 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(b); and

WHEREAS, a further required condition of Government Code section 54953(e) is that state or local officials have imposed or recommended measures to promote social distancing, or, the legislative body holds a meeting to determine or has determined by a majority vote that meeting in person would present imminent risks to the health and safety of attendees; and

WHEREAS, on March 4, 2020, Governor Newsom issued a Proclamation of a State of Emergency declaring a state of emergency exists in California due to the threat of COVID-19, pursuant to the California Emergency Services Act (Government Code section 8625); and,

WHEREAS, on June 11, 2021, Governor Newsom issued Executive Order N-07-21, which formally rescinded the Stay-at-Home Order (Executive Order N-33-20), as well as the framework for a gradual, risk-based reopening of the economy (Executive Order N-60-20, issued on May 4, 2020) but did not rescind the proclaimed state of emergency; and,

WHEREAS, on June 11, 2021, Governor Newsom also issued Executive Order N-08-21, which set expiration dates for certain paragraphs of the State of Emergency Proclamation dated March 4, 2020, and other Executive Orders but did not rescind the proclaimed state of emergency; and,

WHEREAS, as of the date of this Resolution, neither the Governor nor the state Legislature have exercised their respective powers pursuant to Government Code section 8629 to lift the state of emergency either by proclamation or by concurrent resolution of the state Legislature; and,

WHEREAS, former Humboldt County Public Health Officer, Dr. Ian Hoffman, issued a Recommendation Regarding Physical Distancing Including Meetings of Legislative Bodies (the Recommendation) on September 29, 2021. The Recommendation specifically advises physical (social) distancing as one of the measures to decrease the spread of COVID-19 and recommends that “physical distancing strategies be practiced in Humboldt County to the extent possible at gatherings and events, which includes meetings of legislative bodies and local agencies.” The

Recommendation further states, “Virtual meetings of legislative bodies allow for physical distancing recommendations and the virtual participation of agency staff, presenters, and community members in safer environments, with less risk of exposure to COVID-19”; and

WHEREAS, hybrid in person/virtual meetings allow commissioners, staff, and the public to participate in the meeting virtually, thereby significantly decreasing the number of people in the Board of Supervisors’ Chambers during a Planning Commission meeting which promotes social distancing and decreases the risk of spreading COVID-19. Further, when commissioners participate virtually, the commissioners in chambers are able to physically distance from one another more effectively; and

WHEREAS, the Humboldt County Planning Commission finds that state or local officials have imposed or recommended measures to promote social distancing, based on the Humboldt County Public Health Officer’s Order dated September 29, 2021; and,

WHEREAS, as a consequence, the Humboldt County Planning Commission does hereby find that it shall conduct its meetings by teleconferencing without compliance with Government Code section 54953 (b)(3), pursuant to Section 54953(e), and that such legislative bodies shall comply with the requirements to provide the public with access to the meetings as prescribed by Government Code section 54953(e)(2).

NOW, THEREFORE, BE IT RESOLVED, FOUND AND ORDERED by the Humboldt County Planning Commission, in regular session assembled on **February 16, 2023**, does hereby resolve as follows:

- Section 1. Recitals. All of the above recitals are true and correct and are incorporated into this Resolution by this reference.
- Section 2. State or Local Officials Have Imposed or Recommended Measures to Promote Social Distancing. The Humboldt County Planning Commission hereby proclaims that state officials have imposed or recommended measures to promote social (physical) distancing based on the Humboldt County Public Health Officer’s Order dated September 29, 2021.
- Section 3. Remote Teleconference Meetings. The Humboldt County Planning Commission is 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 4. Effective Date. This Resolution shall take effect immediately upon its adoption and shall be effective until the earlier of (i) February 4, 2023, or (ii) such time the Humboldt County Planning Commission adopts a subsequent resolution in accordance with Government Code section 54953(e)(3) to extend the time during which its legislative bodies may continue to teleconference without compliance with Section 54953(b)(3).

DECISION

Adopted this 16th day of February 2023, by the Humboldt County Planning Commission. A motion was made by Commissioner _____ and seconded by Commissioner _____ and the following ROLL CALL vote:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

ABSTAIN: COMMISSIONERS:

DECISION: Motion carries

I, John H. Ford, Secretary to the Planning Commission of the County of Humboldt, do hereby certify the foregoing to be a true and correct record of the action taken on the above-entitled matter by said Commission at a meeting held on the date noted above.

John H. Ford, Director
Planning and Building Department