

RESOLUTION NO.

A RESOLUTION OF THE CITY OF COMMERCE PROCLAIMING A LOCAL EMERGENCY, RATIFYING THE PROCLAMATION OF A STATE OF EMERGENCY BY GOVERNOR NEWSOM, FINDING THAT THE PROCLAIMED STATE OF EMERGENCY CONTINUES TO IMPACT THE ABILITY TO MEET SAFELY IN PERSON, AND DECLARING THAT THE CITY COUNCIL AND CITY COMMISSIONS AND COMMITTEES WILL CONTINUE TO MEET REMOTELY IN ADHERENCE WITH AB 361 IN ORDER TO ENSURE THE HEALTH AND SAFETY OF THE PUBLIC.

WHEREAS, all meetings of the City of Commerce City Council as a legislative body are open and public, as required by the Brown Act (Cal. Gov. Code 54950 – 54963), so that any member of the public may attend, participate, and watch the City Council as a legislative body 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, on March 4, 2020, Governor Newsom declared a State of Emergency to make additional resources available, formalize emergency actions already underway across multiple state agencies and departments, and help the state prepare for a broader spread of COVID-19; and

WHEREAS, on March 25, 2020, the City Council ratified and continued an Emergency Proclamation of the Existence of a Local Emergency Issued by the City;

WHEREAS, on March 17, 2020, Governor Newsom issued Executive Order N-29-20, which suspended certain provisions of the Brown Act in order to allow local legislative bodies to conduct meetings electronically without a physical meeting place; and

WHEREAS, on June 11, 2021, the Governor issued Executive Order N-08-21, which extended the provision of N-29-20 concerning the Brown Act and the conduct of public meetings through September 30, 2021; and

WHEREAS, since the issuance of Executive Order N-08-21, the Delta variant has emerged, causing a spike in COVID-19 cases throughout the state; and

WHEREAS, Governor Newsom's proclaimed State of Emergency remains in effect, and State and local officials, including the Los Angeles County Department of Public Health, have imposed or recommended measures to promote social distancing; and

WHEREAS, on September 16, 2021, California Assembly Bill 361 was signed into law, as urgency legislation that goes in effect on October 1, 2021, amending Government Code Section 54953 of the Ralph M. Brown Act to allow legislative bodies to continue to meet remotely during a proclaimed state of emergency, provided certain conditions are met and certain findings are made; and

WHEREAS, the City of Commerce is committed to preserving and nurturing public access and participation in meetings of the Commerce City Council; and

WHEREAS, the City Council desires to take the actions necessary to comply with AB 361 and to continue to hold its City Council, Commission and Committee meetings remotely.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF COMMERCE DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. The Recitals set forth above are true and correct and are incorporated into this Resolution by this reference.

Section 2. The City Council hereby proclaims that a local emergency now exists throughout the City, and social distancing and condition causing imminent risk to attended has caused, and will continue to cause, conditions of peril to the safety of persons within the City that are likely to be beyond the control of services, personnel, equipment, and facilities of the City, and desires to proclaim a local emergency and ratify the proclamation of State of Emergency by the Governor of the State of California.

Section 3. That the City Council has reconsidered the circumstances of the State of Emergency and finds the following circumstances:

a. The factors triggering the State of Emergency continue to directly impact the ability of the members of the City Council and the City's subordinate Commissions and Committees to meet safely in person; and

b. The State of California and the City of Commerce continue to impose or recommend measures to promote social distancing.

Section 4. City Council and City Commission and Committee meetings will continue to be conducted remotely for the next 30 days in compliance with AB 361 and Government Code Section (e)(2), in order to ensure the health and safety of the public while provides access to public meetings.

Section 5. This Resolution shall become effective immediately and shall be reconsidered by the City Council in 30 days or sooner to assess the State of Emergency and determine whether to continue with the provisions set forth in Assembly Bill 361.

PASSED, APPROVED AND ADOPTED by the Commerce City Council, this 8th day of February, 2022:

Leonard Mendoza, Mayor

ATTEST:

Lena Shumway,
City Clerk