

RESOLUTION NO. 12-21-21

A RESOLUTION OF THE BOARD OF DIRECTORS

CORNING HEALTHCARE DISTRICT

PROCLAIMING A LOCAL EMERGENCY, RE-RATIFYING THE PROCLAMATION OF A STATE OF EMERGENCY BY GOVERNOR'S ORDER DATED MARCH 4, 2020 AND AUTHORIZING REMOTE TELECONFERENCE MEETINGS OF THE LEGISLATIVE BODY OF CORNINGHEALTHCARE DISTRICT FOR THE PERIOD OF DECEMBER 21, 2021 TO JANUARY 20, 2022 PURSUANT TO BROWN ACT PROVISIONS.

WHEREAS, the CORNING HEALTHCARE DISTRICT is committed to preserving and nurturing public access and participation in meetings of the Board of Directors; and

WHEREAS, all meetings of the CORNING HEALTHCARE DISTRICT's legislative body is 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 District'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 District'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, the Board of Directors previously adopted a Resolution, Number 10-6-21 on October 6, 2021 finding that the requisite conditions exist for the legislative body of CORNING HEALTHCARE DISTRICT to conduct remote teleconference meetings without compliance with paragraph (3) of subdivision (b) of section 54953. This Resolution was re-ratified on November 16, 2021 based on a further finding that the requisite conditions continued to exist for the legislative body of CORNING HEALTHCARE DISTRICT to conduct remote teleconference meetings without compliance with paragraph (3) of subdivision (b) of section 54953.; and

WHEREAS, as a condition of extending the use of the provisions found in section 54953(e), the Board of Directors must reconsider the circumstances of the state of emergency that exists in the District, and the Board of Directors has done so; and

WHEREAS, such conditions now exist in the District, specifically, the State of Emergency declared by Governor Newsom on March 4, 2020, due to COVID-19. Pursuant to the Governor's subsequent Executive Order N-29-20, issued on March 17, 2020 a local legislative body is authorized to hold public meetings via teleconferencing 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. Masks are now optional for fully vaccinated employees and members of the public. Based on Occupational Safety & Hazard Agency (OSHA) standards, those entering without a mask are self-attesting to being fully vaccinated ; and

WHEREAS, the Board of Directors does hereby find that the rise in SARS-CoV-2 Delta Variant has caused, and will continue to cause, conditions of peril to the safety of persons within the District that are likely to be beyond the control of services, personnel, equipment, and facilities of the District, and desires to proclaim a local emergency exists 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 District shall continue to conduct 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 meetings as prescribed in paragraph (2) of subdivision (e) of section 54953; and;

WHEREAS, the CORNING HEALTHCARE DISTRICT commenced virtual meeting protocols on April 21, 2020 which include options for public participation.

NOW, THEREFORE, IT IS HEREBY RESOLVED by the Board of Directors of the CORNING HEALTHCARE DISTRICT as follows:

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

2. Proclamation of Local Emergency. The Board hereby proclaims that a local emergency now exists throughout the District, and COVID-19 has caused, and will continue to cause, conditions of peril to the safety of persons within the District that are likely to be beyond the control of services, personnel, equipment, and facilities of the District.

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.

4. Remote Teleconference Meetings. The District Manager and Staff of the District are hereby authorized and directed to take all actions necessary to carry out the intent and purpose of this Resolution including, but not limited to, conducting open and public meetings in accordance with Government Code section 54953(e) and other applicable provisions of the Brown Act.

5. Effective Date of Resolution. This Resolution shall take effect on December 21, 2021, and shall be effective until the earlier of January 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 legislative bodies of the District may continue to teleconference without compliance with paragraph (3) of subdivision (b) of section 54953.

ADOPTED by the Board of Directors of the CORNING HEALTHCARE DISTRICT on December 21, 2021, by the following roll call votes:

AYES:

NOES:

ABSENT:

ABSTAINED: