

**BEFORE THE BOARD OF DIRECTORS OF THE
KINGSBURG TRI-COUNTY HEALTH CARE DISTRICT**

**IN THE MATTER OF:
Authorizing Remote Teleconference
Meetings of the Governing Body of the
District for A Period Thirty (30) Days
Pursuant To AB-361 (2021).**

RESOLUTION 2022-

DRAFT

WHEREAS, the Kingsburg Tri-County Health Care District (“**District**” or “**KTHCD**”) is local public agency existing under the Local Health Care District Law (the “**Act**”) [Health and Safety Code §§ 32000 *et seq.*];

WHEREAS, all meetings of Kingsburg Tri-County Health Care District’s governing body are open and public, as required by the Ralph M. Brown Act [Govt. Code §§ 54950 *et seq.*], so that any member of the public may attend, participate and watch the District’s governing body conduct their business;

WHEREAS, on March 4, 2020 California Governor Gavin Newsom officially proclaimed a state of emergency for the State of California due to the COVID-19 pandemic, and since that time has issued various implementing executive orders which suspend certain state law requirements and authorized certain extraordinary powers and procedures to mitigate the impact of COVID-19 upon the public;

WHEREAS, in response to the COVID-19 pandemic, on or about September 16, 2021, the California Governor signed into law urgency bill AB-361, which amended the Brown Act to relax certain teleconferencing and remote-access requirements for local government agency governing body meetings, including amendment of Government Code § 54953;

WHEREAS, Government Code § 54953(e) now provides for remote teleconferencing participation in meetings by the public and the members of a legislative body, without compliance with the ordinary and stringent requirements of Government Code § 54953(b)(3), when certain conditions exist;

WHEREAS, due to a recent surge in the spread of the coronavirus and increase in COVID-19 cases connected to the new Omicron variant of the coronavirus, the State of California desires to avoid overwhelming the State’s health care system, which could result from a high volume of new infections. Accordingly, Dr. Mark Ghaly, California Health and Human Services Secretary, this month announced that the indoor face covering mandate which was re-instituted in mid-December, and was set to expire on January 15, was now extended to mid-February, and such mandate also applies to all

persons, including fully vaccinated individuals in attendance at indoor public agency meetings;

WHEREAS, the Governor’s proclaimed state of emergency continues to directly impact the ability of members to meet safely in person; and

WHEREAS, having now reviewed and considered all of the relevant circumstances at and before the instant Board meeting, the Board now desires authorize the relaxed teleconferencing process allowed under AB-361, to enable the public and members of the Board to meet remotely.

UPON MOTION OF BOARD MEMBER _____, SECONDED BY BOARD MEMBER _____, THE FOLLOWING WAS PASSED, APPROVED, AND ADOPTED BY THE BOARD OF DIRECTORS AT AN OFFICIAL MEETING HELD January 12, 2022, BY THE FOLLOWING VOTE:

- AYES:
- NOES:
- ABSTAIN:
- ABSENT:

ATTEST: _____
Lori Sanders, Board Secretary

NOW THEREFORE, BE IT RESOLVED THAT THE BOARD OF DIRECTORS:

1. Found that the foregoing recitals are true and that the Board has considered the circumstances of the Governor's proclaimed state of emergency pertaining to the COVID-19 pandemic;
2. Found that the Governor's emergency proclamation continues and the State currently mandates face-coverings for all unvaccinated and vaccinated individuals in indoor public places including governing body meetings of local government agencies;
3. Authorized the District’s officers and personnel to take all necessary and/or convenient steps to allow the District to avail itself of the relaxed teleconferencing process allowed by AB-361; and
4. This resolution shall expire thirty (30) days after its adoption but may be renewed by the Board for an additional thirty (30) day period prior to such expiration.
