RESOLUTION NO. 21-029

A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF PACIFIC GROVE PROCLAIMING A LOCAL EMERGENCY,
RATIFYING THE STATE OF EMERGENCY PROCLAIMED ON MARCH 4, 2020,
AND AUTHORIZING REMOTE TELECONFERENCE MEETINGS OF ALL CITY
LEGISLATIVE BODIES FOR THE FOLLOWING 30 DAYS
IN ACCORD WITH THE RALPH M. BROWN ACT

FACTS

1. The City of Pacific Grove (City) is a charter city and public entity established under the laws
of the State of California.

2. The City is committed to preserving and nurturing public access and participation in
meetings of the City Council and all its Boards and Commissions; and

3. All meetings of City legislative bodies 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 observe City legislative bodies conduct business; and

4. The Brown Act, Government Code section 54953(e), enables remote teleconferencing
participation in meetings by members of a legislative body, without strict compliance with
requirements of Government Code section 54953(b)(3), subject to the existence of certain
conditions; and

5. One required condition is that a state of emergency has been declared by the Governor of
the State of California pursuant to Government Code section 8625, proclaiming 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

6. A proclamation is made that there is an actual incident, threat of disaster, or extreme peril
to the safety of persons and property within the City’s jurisdiction, caused by natural,
technological, or human-caused disasters; and

7. State or local officials have imposed or recommended measures to promote social
distancing, or that having the legislative body meet in person would present imminent risks
to the health and safety of attendees; and

8. The City Council affirms these conditions now exist in the City. Specifically, on March 4,
2020, the Governor proclaimed a State of Emergency to exist as a result of the threat of
COVID-19. That Proclamation has not been terminated by either the Governor or the
Legislature pursuant to Government Code section 8629; and
9. Despite sustained efforts to remedy this circumstance, the City determines that meeting in person poses an imminent risk to health and safety of attendees due to the COVID-19 virus and its variants; and

10. The City Council finds the emergency created by the COVID-19 virus and its variants 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 and similar local health orders that require social distancing; and

11. As a consequence of the local emergency, the City Council determines that all legislative bodies of the City of Pacific Grove are required to conduct their meetings without full compliance with paragraph (3) of subdivision (b) of Government Code section 54953, as authorized by subdivision (c) of section 54953, and that those City legislative bodies shall comply with the requirements to provide public access to the meetings as prescribed in paragraph (2) of subdivision (c) of section 54953; and

12. Each City legislative body shall continue to conduct meetings with public access available via call-in or internet-based service options and the public shall be allowed to address the legislative body directly in real time; and

13. This Resolution shall authorize the City Manager to establish and maintain platforms necessary for each City legislative body to hold teleconference meetings and provide an avenue for real-time public comments for such meetings; and

14. The City Council finds the introduction and adoption of this resolution is not subject to the California Environmental Quality Act (CEQA) as the activity is not a project as defined in Section 15378) of the CEQA Guidelines.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PACIFIC GROVE:

SECTION 1. RECITALS. The foregoing Findings are true and correct and are adopted by the City Council as though set forth in full.

SECTION 2. PROCLAMATION OF LOCAL EMERGENCY. The Council hereby proclaims that a local emergency now exists throughout the City, and meeting in person would present imminent risk as a result of the COVID-19 virus and its variants.
SECTION 3. RATIFICATION OF PROCLAMATION OF A STATE OF EMERGENCY. The Council 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.

SECTION 4. REMOTE TELECONFERENCE MEETINGS. The City Manager and legislative bodies of City of Pacific Grove are 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 5. EFFECTIVE DATE OF RESOLUTION. This Resolution shall take effect immediately upon its adoption and shall be remain in effect for a period of 30 days, or until such time the City Council adopts a subsequent resolution in accordance with Government Code section 54953(e)(3) to extend the time during which City legislative bodies may continue to teleconference without compliance with paragraph (3) of subdivision (b) of section 54953.

PASSED AND ADOPTED BY THE COUNCIL OF THE CITY OF PACIFIC GROVE this 6th day of October 2021, by the following vote:

AYES: Mayor Peake, Mayor Pro Tem Smith, Councilmembers Amelio, Coletti, McAdams, Poduri, and Tomlinson.

NOES: None.

ABSENT: None.

APPROVED:

BILL PEAKE, Mayor

ATTEST: 10/25/2021

DATED: 10/25/2021

SANDRA KANDELL, City Clerk

APPROVED AS TO FORM:

DAVID C. LAREDO, City Attorney