

**RESOLUTION 21-74**

**A RESOLUTION OF THE GOVERNING BOARD  
OF THE SANTA CLARA VALLEY OPEN SPACE AUTHORITY**

**PROCLAIMING A LOCAL EMERGENCY, RE-RATIFYING THE PROCLAMATION OF A STATE OF EMERGENCY ISSUED ON MARCH 04, 2020 BY GOVERNOR GAVIN NEWSOM, AND RE-AUTHORIZING REMOTE TELECONFERENCE MEETINGS OF THE LEGISLATIVE BODIES OF THE SANTA CLARA VALLEY OPEN SPACE AUTHORITY FOR THE PERIOD NOVEMBER 18, 2021 THROUGH DECEMBER 18, 2021, 2021 PURSUANT TO BROWN ACT PROVISIONS**

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**WHEREAS**, the Santa Clara Valley Open Space Authority is committed to preserving and nurturing public access and participation in meetings of the Board of Directors; and

**WHEREAS**, all meetings of Santa Clara Valley Open Space Authority's 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 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 21-68 on October 28, 2021, finding that the requisite conditions exist for the legislative bodies of the Santa Clara Valley Open Space Authority 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**, emergency conditions persist in the District, specifically, on March 4, 2020, the Governor of the State of California issued a Proclamation of a State of Emergency which remains active due to the outbreak of respiratory illness due to the novel coronavirus (a disease known as COVID-19) and its variants which have caused the number of persons requiring medical care to exceed locally available resources for treatment; and

**WHEREAS**, the ongoing COVID-19 pandemic presents a continued risk to the health and safety posed by indoor in-person public gatherings due to the COVID-19 virus' airborne transmittal; and

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**WHEREAS**, the Board of Directors does hereby find that the continued illnesses, hospitalizations, and fatalities caused by the spread of COVID-19 and the COVID-19 delta, 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 affirm a local emergency exists and re-ratify the proclamation of state of emergency by the Governor of the State of California; and

**WHEREAS**, as a consequence of the local emergency persisting, the Board of Directors does hereby find that the legislative bodies of the Santa Clara Valley Open Space Authority shall continue to conduct their 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 the meetings as prescribed in paragraph (2) of subdivision (e) of section 54953; and

**WHEREAS**, the Santa Clara Valley Open Space Authority will continue to provide access to both special and regular meetings through Zoom or by teleconference. The Zoom phone number and meeting URL, and the meeting teleconference number shall be published on the agenda for every remote meeting.

**NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE SANTA CLARA VALLEY OPEN SPACE AUTHORITY DOES HEREBY RESOLVE AS FOLLOWS:**

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

Section 2. Affirmation that Local Emergency Persists. The Board of Directors hereby considers the conditions of the state of emergency in the District and proclaims that a local emergency persists throughout the District, and the ongoing COVID-19 pandemic presents a continued risk to the health and safety posed by indoor in-person public gatherings due to the COVID-19 virus' airborne transmittal.

Section 3. Re-Ratification of Governor's Proclamation of a State of Emergency. The Board hereby re-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 General Manager and legislative bodies of the Santa Clara Valley Open Space Authority are hereby authorized and directed to take all actions necessary to carry out the intent and purpose of this Resolution including, continuing to conduct 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 effective until the earlier of (i) December 18, 2021 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 Santa Clara Valley open Space Authority may continue to teleconference without compliance with paragraph (3) of subdivision (b) of section 54953.

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**PASSED, APPROVED AND ADOPTED** this 18<sup>th</sup> day of November 2021 by the following vote:

AYES: A. Kennett, M. Flaughner, H. Chapman, D. Moore, M. Potter, K. Gill  
NOES: None  
ABSENT: S. Franco-Clausen  
ABSTAIN: None

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Kalvin Gill, Chairperson  
Santa Clara Valley Open Space Authority

APPROVED AS TO FORM:

ATTEST:

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Antoinette Ranit, Legal Counsel

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Kellie Guerra, Clerk of the Board