

RESOLUTION NO. 2023-001

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE CALIFORNIA ELECTRONIC RECORDING TRANSACTION NETWORK AUTHORITY PROCLAIMING A LOCAL EMERGENCY AND AUTHORIZING REMOTE TELECONFERENCE MEETINGS PURSUANT TO ASSEMBLY BILL 361 AND BROWN ACT PROVISIONS

WHEREAS, the Board of Directors of the California Electronic Recording Transaction Network Authority (“CERTNA”) is committed to preserving public access and participation in meetings of the legislative bodies of CERTNA; and

WHEREAS, all meetings of CERTNA’s legislative bodies are open and public, as required by the Ralph M. Brown Act (Gov. Code, §§ 54950 – 54963), so that any member of the public may attend, participate, and watch CERTNA’s legislative bodies conduct their business; and

WHEREAS, on September 16, 2021, Governor Newsom signed Assembly Bill (“AB”) 361, amending Government Code section 54953, subdivision (e), to allow for remote teleconferencing participation in meetings by members of a legislative body without compliance with the requirements of Government Code section 54953, subdivision (b)(3), subject to the existence of certain conditions; and

WHEREAS, a required condition for remote teleconferencing participation in meetings by members of a legislative body 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 CERTNA’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, such conditions now exist in the boundaries of CERTNA, specifically, on March 4, 2020, Governor Gavin Newsom proclaimed a State of Emergency to exist in California as a result of the threat of COVID-19; despite sustained efforts, the virus continues to spread and is impacting nearly all sectors of California; and

WHEREAS, COVID-19 continues to impact Santa Cruz, Kern, El Dorado, and Monterey Counties due to medical evidence indicating that COVID-19 remains transmissible and can be spread by fully vaccinated individuals; and

WHEREAS, as a consequence of the declared emergency, CERTNA does hereby find that the legislative bodies of CERTNA shall conduct their meetings without compliance with Government Code section 54953, subdivision (b)(3), as authorized by Section 54953, subdivision (e), and that such legislative bodies shall comply with the requirements to provide the public with access to the meetings as prescribed in Section 54953, subdivision (e)(2); and

WHEREAS, pursuant to Government Code section 54953, subdivision (e)(3), in order to continue to teleconference without compliance with Government Code section 54953, subdivision (b)(3), CERTNA shall, not later than 30 days after teleconferencing for the first time pursuant to this Resolution, and every 30 days thereafter, make the following findings by majority vote: The legislative body has reconsidered the circumstances of the state of emergency and any of the following conditions exist: (1) the state of emergency continues to directly impact the ability of the members to meet safely in person or (2) state or local officials continue to impose or recommend measures to promote social distancing; and

WHEREAS, CERTNA reserves the option to hold in-person meetings, consistent with local health officer directives, or to continue a practice of remote meetings that still allow multiple options for public participation.

NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE CALIFORNIA ELECTRONIC RECORDING TRANSACTION NETWORK 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. Proclamation of Local Emergency. CERTNA hereby proclaims that a local emergency exists throughout CERTNA's boundaries, and that the legislative body meeting in person could present imminent risks to the health and safety of attendees due to the prevalence of COVID-19 in Santa Cruz, Kern, and El Dorado Counties and the state, such that CERTNA reserves the right to continue virtual meetings or conduct in-person meetings, consistent with local health guidance or duly issued orders.

Section 3. Remote Teleconference Meetings. The legislative body and designees of CERTNA 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, subdivision (e), and other applicable provisions of the Brown Act.

Section 4. Effective Date of Resolution. This Resolution shall take effect immediately upon its adoption and shall be effective until the earlier of (i) February 11, 2022, or (ii) such time the Board of Directors makes a subsequent finding by majority vote in accordance with Government Code section 54953, subdivision (e)(3), to extend the time during which the legislative bodies of CERTNA may continue to teleconference without compliance with paragraph (3) of subdivision (b) of section 54953.

PASSED AND ADOPTED by the Board of Directors of the California Electronic Recording Transaction Network Authority at a meeting of said Board of Directors held on the 11th day of January 2023, by the following vote:

AYES:

NOES:

ABSENT/ABSTAIN:

Sheri Thomas, Chairman, Board of Directors

Paula Pesut, CERTNA Secretary