

## **RESOLUTION NO. 22-01**

### **RESOLUTION OF THE PLANNING AND ECONOMIC DEVELOPMENT COMMISSION OF THE TOWN OF MAMMOTH LAKES, STATE OF CALIFORNIA RE- AUTHORIZING THE PLANNING AND ECONOMIC DEVELOPMENT COMMISSION TO MEET VIRTUALLY DURING THE COVID-19 PANDEMIC DECLARED EMERGENCY**

**WHEREAS**, the Town of Mammoth Lakes supports transparency in government, and meetings of the Planning and Economic Development Commission are conducted in compliance with the Brown Act (Government Code Section 54950 et seq), so that members of the public may attend, observe, and participate; and

**WHEREAS**, Government Code Section 54953(e) is a provision of the Brown Act establishing special rules that apply under specific circumstances to meetings of local government legislative bodies that are conducted remotely via teleconference; and

**WHEREAS**, using the special rules will facilitate continuing to conduct meetings remotely during the COVID-19 pandemic; and

**WHEREAS**, the Planning and Economic Development Commission does hereby find that allowing for conducting public meetings virtually will support social distancing and reduces the potential risk to the public, elected officials and employees to be infected by or to spread COVID-19; and

**WHEREAS**, a required condition for the use of the Section 54953(e) rules is the existence of a state of emergency 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**, an additional required condition is that state or local officials have imposed or recommended measures to promote social distancing, or that the legislative body meeting in person would present imminent risks to the health and safety of attendees; and

**WHEREAS**, the Governor of California declared a Statewide state of emergency due to the COVID-19 virus on Wednesday, March 4; and

**WHEREAS**, on March 15, 2020, the Mono County Health Officer declared a local health emergency, including finding “that there is an imminent and proximate threat to public health from the introduction of COVID-19 in Mono County;” and

**WHEREAS**, the Mono County Director of Public Health has recently issued a memorandum recommending that social distancing be used as one means of

reducing the spread of COVID-19; and

**WHEREAS**, on December 8, 2021, the Planning and Economic Development Commission adopted a resolution finding that pursuant to Government Code Section 54953(e), the Planning and Economic Development Commission of the Town of Mammoth Lakes shall 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 the Planning and Economic Development Commission 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;

**WHEREAS**, as a condition of extending the use of the provisions found in Section 54953(e), the Planning and Economic Development Commission must reconsider the circumstances of the state of emergency that exists in the Town of Mammoth Lakes, and the Planning and Economic Development Commission has done so; and

**WHEREAS**, emergency conditions continue to exist in the Town of Mammoth Lakes, as reflected by the ongoing state of emergency declared by the Governor; and

**WHEREAS**, requiring the meetings of the Planning and Economic Development Commission be conducted entirely in person would create a risk to the health and safety of the members of the public who might attend, the members of the Planning and Economic Development Commission, Town staff, and other persons attending meetings; and

**WHEREAS**, the Town of Mammoth Lakes continues to comply with the requirements of Section 54953(e) to ensure public access to meetings of Town legislative bodies, including by providing notice and posting meeting agendas, allowing members of the public to access the meeting and provide comments via an Internet-based service option, and providing an opportunity for the public to address legislative bodies and offer comment in real time;

**NOW, THEREFORE, BE IT RESOLVED** that the recitals set forth above are true and correct and are incorporated into this resolution by this reference; and

**IT IS FURTHER RESOLVED** that the Planning and Economic Development Commission of the Town of Mammoth Lakes hereby declares that a State and County emergency continues to exist due to the existence or threatened existence of conditions of disaster or of extreme peril to the safety of persons and property within the Town of Mammoth Lakes due to the COVID-19 virus; and

**IT IS FURTHER RESOLVED** that the Mono County Director of Public Health has issued a memorandum recommending the continued use of social distancing as a means to reduce the spread of COVID-19, and that the COVID-19 state of emergency impacts the ability of the Town Council to safely meet in person; and

**IT IS FURTHER RESOLVED** that the Mammoth Lakes Planning and Economic Development Commission finds the use of virtual meetings, as provided for under AB 361 as approved by the State Legislature and signed by the Governor, continues to be a prudent and safe means to conduct the Town's business respecting the recommendation to use social distancing as a precaution to reduce the spread of COVID-19; and

**IT IS FURTHER RESOLVED** that the Town staff and Planning and Economic Development Commission are hereby authorized and directed to continue taking 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; and

**IT IS FURTHER RESOLVED** that this Resolution shall take effect immediately upon its adoption and shall be effective until the earlier of (i) February 11, 2022, or such time the Planning and Economic Development Commission adopts a subsequent resolution in accordance with Government Code section 54953(e)(3) to extend the time during which the Town of Mammoth Lakes Planning and Economic Development Commission may continue to teleconference without compliance with paragraph (3) of subdivision (b) of section 54953.

**APPROVED AND ADOPTED THIS 12<sup>th</sup> day of January 2022.**

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MICHAEL VANDERHURST,  
Chair

ATTEST:

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JAMIE GRAY, Town Clerk