

**RESOLUTION NO. 04/2023**

**A RESOLUTION OF THE TOWN COUNCIL OF CORTE MADERA AUTHORIZING TELECONFERENCE MEETINGS OF THE LEGISLATIVE BODIES OF THE TOWN OF CORTE MADERA PURSUANT TO GOVERNMENT CODE SECTION 54953(E) OF THE BROWN ACT, IN THE EVENT IT IS NECESSARY**

**WHEREAS**, the Town of Corte Madera is committed to preserving public access and participation in meetings of the Town Council; and

**WHEREAS**, all meetings of the Town of Corte Madera'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 Town's legislative bodies conduct their business; and

**WHEREAS**, Government Code section 54953(e) of the Brown Act, allows a legislative body to hold a teleconference meeting, without compliance with the requirements of Government Code section 54953(b)(3), subject to the existence of certain conditions; and

**WHEREAS**, in order to meet by teleconference under Government Code section 54953(e), the Governor must have proclaimed a state of emergency under the California Emergency Services Act (Govt. Code § 8625 *et. seq.*) the legislative body must reconsider the circumstances of the state of emergency; and the legislative body must find that the state of emergency continues to directly impact the ability of the members to meet safely in person and/or state or local officials continue to impose or recommend measures to promote social distancing; and

**WHEREAS**, On March 4, 2020, a State of Emergency was declared by Governor Newsom under the California Emergency Services Act due to COVID-19, which is still in existence; and

**WHEREAS**, due to the COVID-19 health mandates set by the California Department of Public Health (CDPH) and followed by the Marin Health and Human Services (HHS) Department that were in place for indoor settings, the Town Council adopted Resolution Nos. 42/2021, 47/2021, 49/2021, 51/2021, 53/2021, 59/2021, 01/2022, 02/2022, 05/2022, 12/2022, 15/2022, and 21/2022 making findings that there was a health risk of meeting in-person and therefore Council authorized remote teleconference meetings of the legislative bodies of the Town Of Corte Madera pursuant to Brown Act provisions; and

**WHEREAS**, a universal indoor masking requirement was reinstated by the California Department of Public Health (CDPH) on December 15, 2021, to add a layer of mitigation as the Omicron variant increased in prevalence across California; and

**WHEREAS**, the universal masking requirements in all indoor public settings, social distancing guidance, vaccination availabilities and the increase in knowledge about protections against COVID-19 variant exposure or transmission led the CDPH to amend their masking guidance to allow the universal indoor masking requirement to expire on February 15, 2022; and

**WHEREAS**, the requirement for unvaccinated persons to mask in indoor public settings and businesses was replaced on March 1, 2022 by a strong recommendation that all persons, regardless of vaccine status, mask in indoor public settings and businesses; and

**WHEREAS**, the Town Council provides in the public notices and agendas for all public meetings the online and telephone options for participation in public meetings, protecting the right of the public to address their local officials and to participate in public meetings, and posts this information on the Town's website, including instructions on how to access the public meeting remotely; now, therefore be it

**RESOLVED**, that the Town Council has reconsidered the circumstances of the state of emergency; and, be it

**FURTHER RESOLVED**, that the Town Council recognizes that the CDPH has revised its statewide guidance and the Marin HHS department has aligned its recommendations with those of the CDPH due to the determination that the health risks related to COVID-19 have decreased significantly and therefore, under current circumstances, the Town Council finds that meetings may be held safely in person; and, be it

**FURTHER RESOLVED**, the option to attend virtually by Zoom will be provided for members of the Town Council, boards, commissions and committees, with a health reason that would prohibit them from attending a meeting in person; and, be it

**FURTHER RESOLVED**, that the members of the public will be given the option to attend meetings either in person or by Zoom; and be it

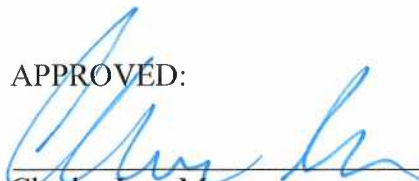
**FURTHER RESOLVED**, this Resolution rescinds and replaces Resolution No. 01/2023 and that the Town Council does hereby direct that the other legislative bodies within the Town that are subject to the Brown Act make these same findings until directed otherwise by the Town Council; and be it

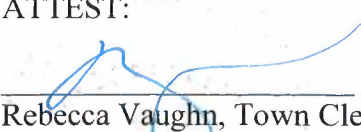
**FURTHER RESOLVED**, that the Town Council authorizes and directs the Town Manager and legislative bodies of the Town to take all actions necessary to carry out the intent and purpose of this Resolution including conducting open and public meetings in accordance with Government Code section 54953(e) and other applicable provisions of the Brown Act.

\* \* \* \* \*

**I HEREBY CERTIFY** that the foregoing resolution was duly and regularly adopted by the Town Council of Corte Madera at a regular meeting held on the 17<sup>th</sup> day of January 2023, by the following vote, to wit:

AYES: Councilmembers: Beckman, Casissa, Lee, Ravasio, Thomas  
NOES: Councilmembers: - None -  
ABSENT: Councilmembers: - None -

APPROVED:  
  
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Charles Lee, Mayor

ATTEST:  
  
\_\_\_\_\_  
Rebecca Vaughn, Town Clerk