



IN THE BOARD OF HARBOR COMMISSIONERS OF
PORT SAN LUIS HARBOR DISTRICT
COUNTY OF SAN LUIS OBISPO
STATE OF CALIFORNIA

Port San Luis, California

January 19, 2022

RESOLUTION 22-01

A RESOLUTION OF THE BOARD OF HARBOR COMMISSIONERS
OF THE PORT SAN LUIS HARBOR DISTRICT MAKING FINDINGS
IN ACCORDANCE WITH AB 361 AND GOVERNMENT
CODE SECTION 54953(e), AUTHORIZING REMOTE TELECONFERENCE
MEETINGS OF THE LEGISLATIVE BODIES OF THE PORT SAN LUIS
HARBOR DISTRICT

WHEREAS, on March 4, 2020, Governor Newsom declared a State of Emergency in the State of California pursuant to Government Code Section 8625 as a result of the threat of the Coronavirus (COVID-19) pandemic, which declaration remains in effect; and

WHEREAS, on September 16, 2021, Governor Newsom signed AB 361, which added subsection (e) to Government Code section 54953 of the Brown Act, and makes provision 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 of AB 361 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, in addition to the Governor's proclamation of a State of Emergency, on March 23, 2020, the Board of Harbor Commissioners ("Board") adopted Resolution 20-07 declaring a State of Emergency to exist in the Port San Luis Harbor District as a result of the Coronavirus pandemic; and

WHEREAS, there has been a significant increase in COVID-19 cases in San Luis Obispo County due primarily to the Delta variant of SARS-CoV-2, the virus that causes COVID-19. Emerging evidence indicates that the Delta variant is far more transmissible than prior variants of the virus, may cause more severe illness, and can be spread even by fully vaccinated individuals; and

WHEREAS, the Board of Commissioners now desires to adopt a Resolution finding that the requisite conditions exist for the legislative bodies of Port San Luis Harbor District to conduct remote teleconference meetings without compliance with paragraph (3) of subdivision (b) of section 54953.

NOW, THEREFORE, BE IT RESOLVED by the Board of Harbor Commissioners of the Port San Luis Harbor District as follows:

1. The above recitals are true, correct and are incorporated herein by this reference.
2. The Board of Harbor Commissioners of the Port San Luis Harbor District hereby determines that as a result of the proclaimed State of Emergency in California due to the COVID-19 pandemic, and its continued spread in San Luis Obispo County and Avila Beach through the Delta variant of SARS-CoV-2, which is far more transmissible than prior variants of the virus, may cause more severe illness, and that even fully vaccinated individuals can spread the virus to others, holding meetings in person would present imminent risks to the health or safety of attendees.
3. The Harbor Manager and legislative bodies of the Port San Luis Harbor District 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 remote teleconferencing meetings in accordance with the requirements of Government Code section 54953(e) and other applicable provisions of the Brown Act.
4. This Resolution shall take effect immediately upon its adoption and shall be effective until the earlier of (i) thirty (30) days after teleconferencing for the first time pursuant to Government Code section 54953(e), or such time that the Board of Harbor Commissioners adopts a subsequent resolution in accordance with Government Code section 54953(e)(3) to extend the time during which the legislative bodies of the Port San Luis Harbor District may continue to teleconference without compliance with paragraph (3) of subdivision (b) of Government Code section 54953.

Upon motion of _____, seconded by _____, and on the following roll call vote to wit:

AYES:
NOES:
ABSENT:
ABSTAIN:

THE FOREGOING RESOLUTION is hereby adopted this 19th day of January 2022.

Jim Blecha, President
Harbor Commission

Attest:

Robert Vessely, Board Secretary
Harbor Commission

DRAFT