

RESOLUTION OF THE BOARD OF RETIREMENT ACKNOWLEDGING THE PROCLAMATION OF A STATE OF EMERGENCY BY GOVERNOR NEWSOM DATED MARCH 4, 2020, AND PROCLAMATION OF A LOCAL EMERGENCY BY THE VENTURA COUNTY HEALTH OFFICER ON MARCH 12, 2020, AND RATIFICATION THEREOF BY THE VENTURA COUNTY BOARD OF SUPERVISORS ON MARCH 17, 2020, AND AUTHORIZING REMOTE TELECONFERENCE MEETINGS OF THE LEGISLATIVE BODIES OF THE VENTURA COUNTY EMPLOYEES' RETIREMENT ASSOCIATION FOR THE INITIAL PERIOD OF OCTOBER 4, 2021, TO NOVEMBER 3, 2021, PURSUANT TO BROWN ACT PROVISIONS.

WHEREAS, the Board of Retirement (“Retirement Board”) of the Ventura County Employees’ Retirement Association (“VCERA”) is committed to preserving public access and encouraging participation in meetings of the Retirement Board and its legislative bodies; and

WHEREAS, all meetings of the Retirement Board and its Finance Committee (a legislative body), and any other legislative body of the Retirement Board that may be established from time to time, 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 in, and observe the Retirement Board and Finance Committee conduct their business; and

WHEREAS Government Code section 54953(e) provides for teleconferencing by members of a legislative body, without compliance with the requirements of Government Code section 54953(b)(3), subject to certain conditions; and

WHEREAS, a required condition is that a state of emergency is proclaimed by the Governor pursuant to Government Code section 8625; 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 geographical boundaries within which the Retirement Board holds its meetings, 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 for the Retirement Board and its legislative bodies, operating in the County of Ventura, specifically, a State of Emergency was proclaimed by Governor Newsom for the State of California, dated March 4, 2020, pursuant to the California Emergency Services Act (Govt. Code §8625), based on an outbreak of respiratory illness due to a novel coronavirus (a disease known as COVID-19), also referred to herein as the “COVID-19 Pandemic”, and the Ventura County Health Officer issued a Declaration of Local Health Emergency on March 12, 2020, which was subsequently ratified by the Ventura County Board of Supervisors on March 17, 2020, and such State of Emergency and Local Health Emergency currently remain active; and

WHEREAS, on September 17, 2021, the Ventura County Health Officer issued an Order extending an August 20, 2021, Order requiring all individuals in the County of Ventura to wear face coverings in all indoor public settings and businesses for the control of COVID-19, and reported that Ventura County’s COVID-19 case rate of 19.3 (the seven-day average case per 100,000) is still considered high community transmission by the Centers of Disease Control and Prevention (“CDC”) and the California Department of Public Health and, therefore, due to the highly transmissible properties of the Delta variant of COVID-19, mostly by unvaccinated persons but also transmissible by fully-vaccinated persons, meetings in person by the Retirement Board and its legislative bodies would present imminent risk to health and safety of attendees; and

WHEREAS, the CDC currently recommends that organizations prioritize COVID-19 prevention strategies for indoor settings, and that multiple interventions, including maintaining physical distance of at least six feet and avoiding crowds, should be used concurrently to reduce the spread of disease; and

WHEREAS, the Retirement Board does hereby find that the threat of the COVID-19 Pandemic, the current local case rate indicating high community transmission, and the lack of adequate space to promote safe social distancing of a large number of attendees has caused, and will continue to cause, conditions of peril to the safety of persons at the VCERA business office location that such that is likely to be beyond the control of services, personnel, equipment, and facilities of the emergency services provided by the County of Ventura, and in making these findings, the Retirement Board acknowledges the proclamation of State of Emergency by the Governor of the State of California, and the proclamation of Local Emergency by the Ventura County Health Officer and ratification thereof by the Ventura County Board of Supervisors, as well as the Ventura County Health Officer's Order of September 17, 2021, requiring all individuals in the County to wear face coverings in all indoor public settings and businesses for the control of COVID-19, and the CDC's recommendation for maintaining physical distance and avoiding crowds; and

WHEREAS, as a consequence of the State of Emergency and Local Emergency, the Retirement Board does hereby find that conditions exist to enable it and its legislative bodies 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 it and its 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, VCERA is ensuring that the public has access to the Retirement Board and its legislative bodies meetings by posting an agenda on the website and at its business office location at least 72 hours prior to the meeting containing information for members of the public on how to access and observe the meeting via Zoom or other call-in or internet-based service option, and how to provide public comment if desired both before and during the meeting. In addition, persons requiring accommodations in accessing meetings are instructed to contact VCERA prior to the meeting.

NOW, THEREFORE, THE RETIREMENT BOARD 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. Acknowledgement of Proclamation of State and Local Emergency. The Retirement Board hereby acknowledges that a State of Emergency has been proclaimed by the Governor of the State of California effective as of its issuance date of March 4, 2020, and that a Local Emergency has been proclaimed by the Ventura County Health Officer on March 12, 2020, and ratified by the Ventura County Board of Supervisors on March 17, 2020, both of which continue to exist within the geographical boundaries of the territory within which the Retirement Board and its legislative bodies hold meetings to conduct business.

Section 3. Determination Regarding Health and Safety Need to Continue Teleconferencing. The Retirement Board finds that the state of emergency directly impacts the ability of the Board, members and staff to meet safely in person, and that state or local officials continue to impose or recommend measures to promote social distancing.

Section 4. Remote Teleconference Meetings. The VCERA Retirement Administrator or designee and the Retirement Board and its legislative bodies of VCERA 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(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 November 3, 2021, or such time as the Retirement Board adopts a subsequent resolution in accordance with Government Code section 54953(e)(3) to extend the time during which the legislative bodies of VCERA may continue to teleconference without compliance with section 54953(b)(3), as set forth in Section 6 herein.

Section 6. Reconsideration of Circumstances Every 30 Days. For the period of time that the State of Emergency proclaimed by the Governor of the State of California remains active, the Retirement Board may reconsider the circumstances of the emergency and make the findings as are necessary to continue to hold remote teleconference meetings as permitted by the Brown Act every 30 days following adoption of this Resolution, until the provisions for the alternate authority exercised herein sunsets by operation of law on January 1, 2024.

PASSED AND ADOPTED by the Retirement Board of VCERA this 4<sup>th</sup> day of October, 2021, by the following vote:

AYES: 7

NOES: 0

ABSENT: 2

ABSTAIN: