AGENDA

KEEP KERN BEAUTIFUL COMMITTEE

Regular Meeting
February 15, 2023
2:00-3:00 P.M.

This Meeting will be Conducted Virtually Pursuant To Government Code Section 54953(e)(1)(A)

The Public may observe and participate in the Virtual Microsoft Teams Meeting by using this link:
Click here to join the meeting

Or Telephone:
+1 831-296-3421
Conference ID: 498 287 08#

All agenda item supporting documentation is available for public review at Public Services Building, 2700 'M' Street, Suite 400, Bakersfield, 93301 during regular business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, following the posting of the agenda. Any supporting documentation that relates to an agenda item for an open session of any regular meeting that is distributed after the agenda is posted and prior to the meeting will also be available for review at the same location.

PLEASE REMEMBER TO TURN OFF ALL CELL PHONES, PAGERS OR ELECTRONIC DEVICES DURING COMMITTEE MEETINGS.

1) CALL TO ORDER

Committee Members: Gary Ananian, Brian Duhart, Olivia Franzen, Daniel Harrison (Chairperson), David Kadel, Steve Kinsey, Lynnda Martin, Christopher McGehee, Karen Sanders

Committee Coordinator: Alicia A. Gutierrez; Guests: Kern County Public Works staff, County Counsel, and guests

2) Welcome and Roll Call

3) Approve resolution for Keep Kern Beautiful Committee to hold remote meetings – **APPROVE**

4) Approve Meeting Minutes from January 18, 2023 – **APPROVE**

5) New Business

A. Discuss Future Keep Kern Beautiful Committee Meeting Protocol

I. THE CALIFORNIA CORONAVIRUS EMERGENCY DECLARATION THAT ALLOWS FOR REMOTE MEETINGS IS SET TO EXPIRE ON FEBRUARY 28, 2023. COMMITTEE MEMBERS TO DISCUSS OPTIONS FOR FUTURE MEETINGS

B. Welcome and Introduce new District 3 Keep Kern Beautiful Committee Member Olivia Franzen

I. INTRODUCTIONS

C. Update Keep Kern Beautiful Committee Affiliation Report 2023

I. COMMITTEE MEMBERS TO CONTINUE DISCUSSION ON COORDINATION NEEDED TO COMPLETE THE COMMUNITY APPEARANCE INDEX AND LITTER INDEX REPORT IN SPRING 2023

6) Presentation by Karina Mendez, Public Works Maintenance Worker II on recent and upcoming community cleanup efforts – **RECEIVE AND FILE**

7) Committee Member Announcements or Reports

8) Staff Comment

9) Public Comment

10) Next Regular Meeting: Wednesday, March 15, 2023, from 2-3 p.m.

11) ADJOURN

AMERICANS WITH DISABILITIES ACT
(Government Code Section 54953.2)

The Public Services Building Public Meeting Room is accessible to persons with disabilities. Disabled individuals who need special assistance to attend or participate in a meeting of the Keep Kern Beautiful Committee may request assistance at Public Services Building, 2700 ‘M’ Street, Suite 400, Bakersfield, California or by calling (661) 862-5100. Every effort will be made to reasonably accommodate individuals with disabilities by making meeting material available in alternative formats. Requests for assistance should be made five (5) working days in advance of a meeting whenever possible.

RESOLUTION NO. ___2023-002___

A RESOLUTION OF THE KEEP KERN BEAUTIFUL COMMITTEE

AUTHORIZING REMOTE TELECONFERENCE MEETINGS

OF THE KEEP KERN BEAUTIFUL COMMITTEE

FOR THE PERIOD OF JANUARY 26, 2023 THROUGH FEBRUARY 24, 2023,

PURSUANT TO THE RALPH M. BROWN ACT.

WHEREAS, all meetings of the Keep Kern Beautiful Committee 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 view the legislative bodies conduct their business; and

WHEREAS, the Brown Act, Government Code section 54953(e), makes provisions 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 requirements; and

WHEREAS, a required condition of Government Code section 54953(e) 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(b); and

WHEREAS, a further required condition of Government Code section 54953(e) is that state or local officials have imposed or recommended measures to promote social distancing, or, the legislative body holds a meeting to determine or has determined by a majority vote that meeting in person would present imminent risks to the health and safety of attendees; and

WHEREAS, on March 4, 2020, Governor Newsom issued a Proclamation of a State of Emergency declaring a state of emergency exists in California due to the threat of COVID-19, pursuant to the California Emergency Services Act (Government Code section 8625); and,

WHEREAS, on June 11, 2021, Governor Newsom issued Executive Order N-07-21, which formally rescinded the Stay-at-Home Order (Executive Order N-33-20), as well as the framework for a

gradual, risk-based reopening of the economy (Executive Order N-60-20, issued on May 4, 2020) but did not rescind the proclaimed state of emergency; and,

WHEREAS, on June 11, 2021, Governor Newsom also issued Executive Order N-08-21, which set expiration dates for certain paragraphs of the State of Emergency Proclamation dated March 4, 2020 and other Executive Orders but did not rescind the proclaimed state of emergency; and,

WHEREAS, as of the date of this Resolution, neither the Governor nor the state Legislature have exercised their respective powers pursuant to Government Code section 8629 to lift the state of emergency either by proclamation or by concurrent resolution the state Legislature; and,

WHEREAS, the California Department of Industrial Relations has issued regulations related to COVID-19 Prevention for employees and places of employment. Title 8 of the California Code of Regulations, Section 3205(5)(D) specifically recommends physical (social) distancing as one of the measures to decrease the spread of COVID-19 based on the fact that particles containing the virus can travel more than six feet, especially indoors; and,

WHEREAS, on January 18, 2023, the Keep Kern Beautiful Committee previously adopted Resolution No. 2023-001, finding that the requisite conditions existed for the Keep Kern Beautiful Committee to conduct remote teleconference meetings without compliance with Government Code section 54953 (b)(3), as authorized by Section 54953(e); and,

WHEREAS, as a condition of extending the use of the teleconferencing provisions for another 30 days beyond the Resolution No. 2023-001 adopted on January 18, 2023, pursuant to Government Code section 54953(e), the Keep Kern Beautiful Committee must reconsider the circumstances of the state of emergency that exists and find that either the state of emergency continues to directly impact the ability of the members to meet safely in person or state or local officials continue to impose or recommend measures to promote social distancing; and,

WHEREAS, the Keep Kern Beautiful Committee has reconsidered the circumstances of the state of emergency and finds that state or local officials continue to impose or recommend measures to promote social distancing, based on the California Department of Industrial Relations regulations related to COVID-19 Prevention, specifically, Title 8 of the California Code of Regulations, Section 3205(5)(D), continuing

to remain in effect; and,

WHEREAS, as a consequence, the Keep Kern Beautiful Committee does hereby find that it may continue to conduct its meetings by teleconferencing without compliance with Government Code section 54953 (b)(3), pursuant to Section 54953(e), and that the Keep Kern Beautiful Committee shall comply with the requirements to provide the public with access to the meetings as prescribed by Government Code section 54953(e)(2).

NOW, THEREFORE, BE IT RESOLVED, FOUND AND ORDERED by the Keep Kern Beautiful Committee in regular session assembled on February 15, 2023 does hereby resolve as follows:

Section 1. Recitals. All of the above recitals are true and correct and are incorporated into this Resolution by this reference.

Section 2. Reconsideration of the State of Emergency. The Keep Kern Beautiful Committee has reconsidered the circumstances of the state of emergency that continues to exist and was proclaimed by the Governor through a State of Emergency Proclamation on March 4, 2020.

Section 3. State or Local Officials Continue to Impose or Recommend Measures to Promote Social Distancing. The Keep Kern Beautiful Committee hereby proclaims that state officials continue to impose or recommend measures to promote social (physical) distancing based on the continuance of California Department of Industrial Relations regulations related to COVID-19 Prevention through Title 8 of the California Code of Regulations, Section 3205(5)(D).

Section 3. Remote Teleconference Meetings. The Keep Kern Beautiful Committee is 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. This Resolution shall take effect immediately upon its adoption and shall be effective until the earlier of (i) February 24, 2023, or (ii) such time as the Keep Kern Beautiful Committee adopts a subsequent resolution in accordance with Government Code section 54953(e)(3) to extend the time during which it may continue to teleconference without compliance with Section 54953(b)(3).

ADOPTED this 15th day of February 2023, by the Keep Kern Beautiful Committee, by the following vote:

YES:

NO:

ABSENT:

ABSTAIN:

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