

RESOLUTION NO. 23-03-CRJPA

A RESOLUTION OF THE CARSON RECLAMATION JOINT POWERS AUTHORITY PROCLAIMING A LOCAL EMERGENCY, RATIFYING THE PROCLAMATION OF A STATE OF EMERGENCY BY THE STATE'S EXECUTIVE ORDERS N-25-20, N-29-20, AND N-35-20, MAKING FINDINGS AS REQUIRED BY AB 361, AND AUTHORIZING REMOTE TELECONFERENCE MEETINGS OF THE LEGISLATIVE BODY OF THE CARSON RECLAMATION AUTHORITY FOR THE PERIOD OF FEBRUARY 6, 2023 THROUGH MARCH 8, 2023 PURSUANT TO BROWN ACT PROVISIONS

WHEREAS, international, national, state, and local health and governmental authorities are responding to an outbreak of respiratory disease caused by a novel coronavirus named "SARS-CoV-2," and the disease it causes has been named "coronavirus disease 2019," abbreviated COVID-19 ("COVID-19"); and

WHEREAS, on March 4, 2020 the Governor of the State of California declared a state of emergency to make additional resources available, formalize emergency actions already underway across multiple state agencies and departments, and help the State prepare for the broader spread of COVID-19; and

WHEREAS, on March 11, 2020, the World Health Organization ("WHO") characterized COVID-19 as a pandemic; and

WHEREAS, on March 13, 2020, the President of the United States declared a national emergency and announced that the federal government would make emergency funding available to assist state and local governments in preventing the spread of and addressing the effects of COVID-19; and

WHEREAS, on March 4, 2020, the Los Angeles County Board of Supervisors and Department of Public Health declared a local emergency and local public health emergency to aid the regional healthcare and governmental community in responding to COVID-19; and

WHEREAS, on September 16, 2021, the Governor signed into law Assembly Bill No. 361 ("AB 361"), which, until January 1, 2024, authorizes a local agency to use teleconferencing under AB 361's abbreviated procedures without complying with the traditional teleconferencing requirements imposed by the Brown Act when a legislative body of a local agency holds a meeting during a declared state of emergency, when state or local health officials have imposed or recommended measures to promote social distancing or when the legislative body has determined that meeting in person would present imminent risks to the health or safety of attendees; and

WHEREAS, the LACDPH's Health Officer Order, issued September 17, 2021, states that "COVID-19 daily cases and community transmission remain high"; that community transmission is "highly likely to increase during the coming weeks as we start to move towards the Winter

months when respiratory viruses, like influenza and SARS-CoV-2, have spread more easily”; and that the Delta variant is “two times as contagious as early COVID-19 variants and continues to lead to increased infections”; and

WHEREAS, the Board desires to proclaim a local emergency and ratify the proclamation of the state of emergency by the Governor of the State of California and the City of Carson’s Resolution No. 20-053, which was unanimously adopted by the City Council on March 17, 2020 declaring a local state of emergency; and

WHEREAS, the Board shall comply with the provisions of AB 361, which requires legislative bodies that hold teleconferenced meetings under its abbreviated teleconferencing procedures to give notice of the meetings and post agendas, as described, to allow members of the public to access the meeting and address the legislative body, to give notice of the means by which members of the public may access the meeting and offer public comment, including an opportunity for all persons to attend via a call-in option or an internet-based service option, and to conduct the meetings in a manner that protects the statutory and constitutional rights of the parties and the public appearing before the legislative body; and

WHEREAS, the modifications to the Brown Act under AB 361 include the following:

- In each instance in which notice of the time of the teleconferenced meeting is given or the agenda for the meeting is posted, the legislative body shall also give notice of the manner by which members of the public may access the meeting and offer public comment
- The agenda shall identify and include an opportunity for all persons to attend via a call-in option or an internet-based service option
- The legislative body shall allow members of the public to access the meeting, and the agenda shall include an opportunity for members of the public to address the legislative body directly
- In the event of a disruption which prevents the local agency from broadcasting the meeting to members of the public using the call-in option or internet-based service option, or in the event of a disruption within the local agency’s control which prevents members of the public from offering public comments using the call-in option or internet-based service option, the legislative body shall take no further action on items appearing on the meeting agenda until public access to the meeting via the call-in option or internet-based service option is restored
- Written/remote public comment must be accepted until the point at which the public comment period is formally closed; registration/sign-up to provide/be recognized to provide public comment can only be closed when the public comment period is formally closed

WHEREAS, the Carson Reclamation Authority (“Authority”) is committed to preserving and nurturing public access and participation in meetings of the Board of Directors (“Board”) of the Authority; and

WHEREAS, all meetings of the Authority's Board are intended to remain 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 Authority's Board conduct their business; and

WHEREAS, the Ralph M. Brown Act, Government Code Sections 54950-54963 ("Brown Act"), allows for meetings of legislative bodies of a local agency, as those terms are defined in the Brown Act, to occur via teleconferencing subject to certain requirements, particularly that the legislative body notice each teleconference location of each member that will be participating in the public meeting, that each teleconference location be accessible to the public, and that members of the public be allowed to address the legislative body at each teleconference location, see Government Code Section 54953(b)(3); and

WHEREAS, in light of the continuing State and local declarations of emergency resulting from the COVID-19 pandemic, especially with the increase of cases and hospitalizations due to the Delta variant and the Omicron variant, the continuing recommendation by Los Angeles County public health officials of measures to promote social distancing, and the imminent risks to the health and safety of attendees at meetings conducted in person, the Board desires to make the findings required by AB 361 to allow the Board to meet under AB 361's abbreviated teleconferencing procedures; and

WHEREAS, as a consequence of the declared local emergency, the Board of the Authority does hereby find that the legislative body of the Carson Reclamation Authority shall conduct meetings without compliance with paragraph (3) of subdivision (b) of Government Code section 54953, as authorized by subdivision (e) of Government Code section 54953, and that such legislative body 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

NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE CARSON RECLAMATION AUTHORITY DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. The Recitals set forth above are true and correct and are incorporated into this Resolution by this reference.

Section 2. The Board hereby finds that the State and local declarations of emergency resulting from the COVID-19 pandemic remain in place.

Section 3. The Board finds that local officials, namely the Los Angeles County Department of Public Health, have continued to recommend measures to promote social distancing for public meetings.

Section 4. The Board hereby finds that as a result of the emergency resulting from the COVID-19 pandemic, in-person meetings of the Board would present imminent risks to the health and safety of attendees, including in particular, members of the public attending such meetings.

Section 5. As a result of the findings in Section 2 through 4 above, the Board is authorized to conduct meetings under AB 361's abbreviated teleconferencing procedures, without complying with the requirements set forth in Government Code Section 54953(b)(3), subject to compliance with the requirements set forth in Government Code Section 54953(e)(2).

Section 6. The Executive Director and the Board of the Carson Reclamation Authority 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 teleconference meetings in accordance with Government Code section 54953(e) and other applicable provisions of the Brown Act.

Section 7. If any section, subsection, sentence, clause, or phrase of this Resolution is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Resolution. The Board hereby declares that it would have passed this Resolution and each and every section, subsection, sentence, clause, or phrase no declared invalid or unconstitutional without regard to whether any portion of this Resolution would be subsequently declared invalid or unconstitutional

Section 8. This Resolution shall take effect immediately upon its adoption and shall be effective until the earlier of (i) March 8, 2023, or (ii) such time the Board of the Authority adopts a subsequent resolution in accordance with Government Code section 54953(e)(3) to extend the time during which the Board of the Carson Reclamation Authority may continue to teleconference without compliance with paragraph (3) of subdivision (b) of Government Code section 54953. The Authority Secretary shall certify to the adoption of this Resolution.

PASSED, APPROVED AND ADOPTED this ____ day of February 2023.

Lula Davis-Holmes, Chair

ATTEST:

Dr. Khaleah K. Bradshaw, Authority Secretary

APPROVED AS TO FORM:

Sunny Soltani, Authority Counsel