RESOLUTION NO. 21-167

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA, THE CARSON HOUSING AUTHORITY BOARD, AND THE CARSON SUCCESSOR AGENCY BOARD, MAKING FINDINGS RELATED TO THE CONTINUED EXISTENCE OF A STATE OF EMERGENCY DUE TO COVID-19 AND RE-AUTHORIZING THE MEETINGS OF THE LEGISLATIVE BODIES OF THE CITY OF CARSON, CARSON SUCCESSOR AGENCY AND CARSON HOUSING AUTHORITY TO BE CONDUCTED VIA REMOTE TELECONFERENCING IN ACCORDANCE WITH GOVERNMENT CODE SECTION 54953(e) FOR A CONTINUED 30-DAY PERIOD.

WHEREAS, the City Council of the City of Carson ("City"), the Carson Successor Agency Board, and the Carson Housing Authority Board are committed to preserving and nurturing public access and participation in meetings of the legislative bodies (as that term is defined in Government Code §54952, including commissions, boards and committees subject to the Brown Act) of the City, the Carson Successor Agency, and the Carson Housing Authority (collectively, the "Legislative Bodies"); and

WHEREAS, all meetings of the Legislative Bodies are open and public as required by the Ralph M. Brown Act, Government Code §§ 54950 *et seq.*, so that any member of the public may attend, participate, and observe the Legislative Bodies conduct their business; and

WHEREAS, the Brown Act, at Government Code § 54953(e), as amended by Assembly Bill (AB) 361 effective October 1, 2021, allows for remote teleconferencing observation and participation in public meetings by members of a Legislative Body and members of the public, without compliance with the provisions of Government Code § 54953(b)(3), for an initial 30-day period and for continued 30-day periods thereafter, provided certain conditions are met; and

WHEREAS, one required condition of initial invocation of AB 361 is that the meeting is held during a state of emergency that has been declared by the Governor pursuant to Government Code § 8625, proclaiming the existence of conditions of disaster or of extreme peril to the safety of persons and property within the state and within the boundaries of the local agency, caused by conditions as described in Government Code § 8558; and

WHEREAS, on March 4, 2020, pursuant to Government Code § 8625, Governor Newsom declared the existence of a state of emergency for the State of California, which includes the entire area within the jurisdictional boundaries of the City, the Carson Successor Agency and the Carson Housing Authority, in response to the outbreak of COVID-19, and thereafter issued a number of executive orders aimed at containing COVID-19, including suspending certain requirements of the Brown Act to facilitate the conduct of public meetings of local government agencies via remote teleconferencing; and

WHEREAS, on March 17, 2020, the City Council adopted Resolution No. 20-053, declaring

and proclaiming the existence of a local emergency in the City in response to COVID-19. The Legislative Bodies thereafter conducted all of their meetings via remote teleconferencing consistent with the declaration of local emergency and executive orders issued by the Governor, until October 5, 2021, when they adopted Resolution No. 21-132 pursuant to AB 361, making an initial determination that the requisite conditions existed for the Legislative Bodies to conduct remote teleconference meetings without compliance with Government Code § 54953(b)(3), as authorized by Government Code § 54953(e) *et seq.*, and thereafter conducted their meetings accordingly; and

WHEREAS, Government Code Section 54953(e) *et seq.* also requires, as a condition of authorization of a legislative body to continue to conduct its meetings via remote teleconferencing in accordance with the provisions of Government Code § 54953(e) in lieu of compliance with Government Code § 54953(b)(3) for each continued 30-day period, that either the state of emergency remains active or state or local officials have imposed or recommended measures to promote social distancing, and that the legislative body finds, by majority vote, that it has reconsidered the circumstances of the state of emergency and any of the following circumstances exist: (i) the state of emergency continues to directly impact the ability of the members to meet safely in person; or (ii) state or local officials continue to impose recommended measures to promote social distancing; and

WHEREAS, on November 3, 2021, in compliance with the foregoing requirements, the City Council, Housing Authority Board, and Successor Agency Board adopted Resolution No. 21-150, re-authorizing the meetings of the legislative bodies of the City, Housing Authority and Successor Agency to be conducted via remote teleconferencing in accordance with Gov't Code Section 54953(e) for a continued 30-day period or until such time as a subsequent resolution is adopted providing further re-authorization in compliance with said requirements; and

WHEREAS, on November 16, 2021, in compliance with the foregoing requirements, the City Council, Housing Authority Board, and Successor Agency Board adopted Resolution No. 21-161, further re-authorizing the meetings of the legislative bodies of the City, Housing Authority and Successor Agency to be conducted via remote teleconferencing in accordance with Gov't Code Section 54953(e) for a continued 30-day period or until such time as a subsequent resolution is adopted providing further re-authorization in compliance with said requirements; and

WHEREAS, pursuant to Government Code section 54953(e), the City Council, Housing Authority Board, and Successor Agency Board have now reconsidered the circumstances of the state of emergency; and

WHEREAS, the proclaimed state of emergency remains active and continues to encompass the entire area within the jurisdictional boundaries of the City, the Carson Housing Authority and the Carson Successor Agency; and

WHEREAS, State of California and Los Angeles County Department of Public Health officials continue to impose or recommend measures to promote social distancing, as reflected by (without limitation) current State and County Public Health Officer Orders and related orders and guidance; and

WHEREAS, the City Council, Carson Successor Agency Board and Carson Housing

Authority Board do hereby intend that, as a consequence of the persisting state of emergency and the imposed or recommended social distancing measures, the Legislative Bodies shall be authorized to continue to conduct their meetings without compliance with paragraph (3) of subdivision (b) of Government Code § 54953, as authorized by subdivision (e) of Government Code § 54953, and that the Legislative Bodies shall be authorized to instead comply with the requirements to provide the public with access to the meetings as prescribed in paragraph (2) of subdivision (e) of Government Code § 54953, throughout the effective period of this Resolution; and

WHEREAS, consistent with AB 361, during the effectiveness of this Resolution, the Legislative Bodies meeting pursuant to the requirements of Government Code § 54953(e)(2) and their staff will give notice of the manner by which members of the public may access the Legislative Bodies' meetings and offer public comment, identify and include an opportunity for all persons to attend via a call-in option or an internet-based service option, and 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.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA, THE CARSON SUCCESSOR AGENCY BOARD, AND THE CARSON HOUSING AUTHORITY BOARD, DO HEREBY RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. The foregoing recitals are true and correct and are incorporated herein by reference.

SECTION 2. The City Council, Carson Successor Agency Board and Carson Housing Authority Board find as follows: (1) they have reconsidered the circumstances of the state of emergency; (2) the state of emergency remains active within their jurisdictional boundaries; and (3) State and local (Los Angeles County) officials continue to impose or recommend measures to promote social distancing.

SECTION 3. The Legislative Bodies and staff are hereby authorized to take all actions necessary or appropriate to carry out the intent and purpose of this Resolution, including to conduct open and public meetings of the Legislative Bodies in accordance with Government Code § 54953(e) and other applicable provisions of the Brown Act.

SECTION 4. This Resolution shall take effect immediately upon its adoption and shall be effective either (i) for 30 days, or (ii) until such time as the City Council, Carson Successor Agency Board, and/or Carson Housing Authority Board adopt a subsequent resolution in accordance with Government Code § 54953(e)(3) to further extend the time during which the Legislative Bodies may continue to teleconference without compliance Government Code §54953(b)(3), but otherwise as permitted by Government Code section 54953(e) *et seq*.

SECTION 5. Should any provision, section, paragraph, sentence or word of this Resolution be rendered or declared invalid by any final court action in a court of competent jurisdiction or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences or words of this Resolution as hereby adopted shall remain in full force and effect.

SECTION 6. The City Clerk/Board Secretary shall certify to the adoption of this Resolution and enter it into the book of original Resolutions.

PASSED, APPROVED AND ADOPTED this 7th day of December, 2021.

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Lula Davis-Holmes, Mayor/Chairwoman

APPROVED AS TO FORM:

_____
Sunny K. Soltani, City Attorney/Board Counsel

ATTEST:

_____
Joy Simarago, Deputy City Clerk/Board Secretary

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS:
CITY OF CARSON)

I, Joy Simarago, Deputy City Clerk of the City of Carson and Secretary of the Carson Housing Authority and Carson Successor Agency, do hereby certify that the foregoing Resolution, being Resolution No. 21-167 was passed and approved by the City Council of the City of Carson and the Carson Successor Agency and Carson Housing Authority Boards, at their meeting held on December 7, 2021, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

_____
Joy Simarago, Deputy City Clerk/Board Secretary