

RESOLUTION NO. 23-01-CRJPA

A RESOLUTION OF THE CARSON RECLAMATION JOINT POWERS AUTHORITY, MAKING FINDINGS RELATED TO THE CONTINUED EXISTENCE OF A STATE OF EMERGENCY DUE TO COVID-19 AND RE-AUTHORIZING THE PUBLIC MEETINGS OF THE LEGISLATIVE BODIES OF THE AUTHORITY TO BE CONDUCTED VIA REMOTE TELECONFERENCING IN ACCORDANCE WITH GOVERNMENT CODE SECTION 54953(e) FOR A CONTINUED 30-DAY PERIOD (JANUARY 4, 2023 THROUGH FEBRUARY 2, 2023).

WHEREAS, the Carson Reclamation Joint Powers Authority (“Carson Reclamation Authority” or “Authority”) is committed to preserving and nurturing public access and participation in meetings of the legislative body (as that term is defined in Government Code §54952, including commissions, boards and committees subject to the Brown Act) of the Authority; and

WHEREAS, all meetings of the Authority Board 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 Board conduct its business; and

WHEREAS, the Brown Act, at Government Code § 54953(e), as amended by Assembly Bill 361 (AB) 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 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 Section 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 Authority, in response to the outbreak of respiratory illness due to a novel coronavirus (a disease now known as 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 Authority thereafter conducted all of its public meetings via remote teleconferencing consistent with the declaration of local emergency and executive orders issued by the Governor, until October 4, 2021, when they adopted Resolution No. 21-13 CRJPA pursuant to AB 361, making an initial determination that the requisite conditions existed for the Authority to conduct remote teleconference

meetings without compliance with Government Code section 54953(b)(3), as authorized by Government Code section 54953(e) *et seq.*, and thereafter conducted their public 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 public meetings via remote teleconferencing in accordance with the provisions of Government Code Section 54953(e) in lieu of compliance with Government Code section 54953(b)(3) for each continued 30-day period, that the legislative body reconsider the circumstances of the state of emergency and find that (i) state or local officials continue to impose or recommend measures to promote social distancing or (ii) meeting in person would present imminent risk to the health and safety of attendees; and

WHEREAS, pursuant to Government Code section 54953(e), the Authority Board has now reconsidered the circumstances of the state of emergency; and

WHEREAS, a proclaimed state of emergency persists and continues to encompass the entire area within the jurisdictional boundaries of the Authority; 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 have reimposed mask mandates in the face of record numbers of new infections; and

WHEREAS, the Carson Reclamation Authority does hereby intend that, as a consequence of the persisting state of emergency and the imposed or recommended social distancing measures, the Authority 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 Authority shall 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 Authority and its staff will give notice of the manner by which members of the public may access the Authority's 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 Authority directly.

NOW, THEREFORE, CARSON RECLAMATION AUTHORITY BOARD DOES 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 Carson Reclamation Authority Board, having reconsidered the conditions of the state of emergency as proclaimed by the Governor, including the emergency conditions

existing within its jurisdictional boundaries, hereby finds, determines, acknowledges, and reaffirms that: (1) a proclaimed statewide state of emergency, as well as a proclaimed local emergency (as such proclamations, states of emergency, or associated rules or restrictions may have been amended since their initial proclamation), both remain in effect and persist within and encompassing the jurisdictional boundaries of the Authority; and (2) State and local (LA County) officials continue to impose or recommend measures to promote social distancing in connection with the state of emergency.

SECTION 3. The Authority and staff are hereby authorized to take all actions necessary to carry out the intent and purpose of this Resolution, including conducting open and public meetings of the Authority 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 Authority Board adopts a subsequent resolution in accordance with Government Code § 54953(e)(3) to further extend the time during which the Board 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 Board Secretary shall certify to the adoption of this Resolution and enter it into the book of original Resolutions.

[signatures on following page]

PASSED, APPROVED AND ADOPTED this 3rd day of January 2023.

Lula Davis-Holmes, Chair

ATTEST:

Dr. Khaleah K. Bradshaw, Authority Secretary

APPROVED AS TO FORM:

Sunny Soltani, Authority Counsel