

RESOLUTION NO. 21-132

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 CONDUCT OF PUBLIC MEETINGS OF THE LEGISLATIVE BODIES OF THE CITY, SUCCESSOR AGENCY AND HOUSING AUTHORITY VIA REMOTE TELECONFERENCING FOR AN INITIAL 30-DAY PERIOD PURSUANT TO THE RALPH M. BROWN ACT AS AMENDED BY ASSEMBLY BILL NO. 361

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 their legislative bodies (as that term is defined in Government Code §54952, including commissions, boards and committees subject to the Brown Act) (collectively, the “Legislative Bodies”); and

WHEREAS, all meetings of the Legislative Bodies are open and public as required by the Ralph M. Brown Act, codified as 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, makes provision for remote teleconferencing participation in public meetings by members of a Legislative Body without compliance with the provisions of Government Code § 54953(b)(3), subject to the existence of certain conditions; and

WHEREAS, a required condition under Government Code § 54953(e) 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 caused by conditions as described in Government Code § 8558; 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 jurisdictions that are within the District’s boundaries, caused by natural, technological, or human-caused disasters

WHEREAS, it is further required that state or local officials continue to recommend measures to promote social distancing, or that the legislative body is meeting to determine or has previously determined that meeting in person would present imminent risks to the health or safety of attendees; and

WHEREAS, starting in March 2020, in response to the spread of COVID-19 in the State of California, the Governor proclaimed a state of emergency for the State of California and thereafter

issued a number of executive orders aimed at containing COVID-19; 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 have since conducted all of their meetings via remote teleconferencing consistent with the declaration of local emergency and executive orders issued by the Governor; and

WHEREAS, the executive orders issued by the Governor, among other things, waived requirements of the Brown Act expressly or impliedly requiring the physical presence of members of the legislative body, the clerk or other personnel of the body, or of the public as a condition of participation in or for the purpose of establishing a quorum for a public meeting. Without limitation, the orders waived the following requirements of Government Code §54953(b)(3):

- the requirement that local agencies provide notice of each teleconference location from which a member of the legislative body will be participating in a public meeting;
- the requirement that each teleconference location be accessible to the public;
- the requirement that members of the public be able to address the legislative body at each teleconference conference location;
- the requirement that local agencies post agendas at all teleconference locations; and
- the requirement that at least a quorum of the members of the local body participate from locations within the boundaries of the territory over which the local body exercises jurisdiction; and

WHEREAS, on June 11, 2021, the Governor issued Executive Order N-08-21, which rescinded the modifications made by the aforementioned executive orders, effective September 30, 2021. On September 16, 2021, the Governor signed AB 361, creating a modified set of provisions for local agencies for compliance with the Brown Act relative to remote meetings. AB 361 was made effective on October 1, 2021. These modifications 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; and

- 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 Governor's proclaimed state of emergency and the City's proclaimed local emergency related to COVID-19 remain in effect and encompass the jurisdictional boundaries of the City and the Housing Authority and Successor Agency. State of California and County of Los Angeles Department of Public Health officials have recommended measures to promote social distancing, County officials are requiring masking in an effort to slow the continuously high level of transmission of COVID-19 throughout Los Angeles County, and the Centers for Disease Control and Prevention ("CDC") continue to recommend physical distancing; 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 recommended social distancing measures, the Legislative Bodies shall 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 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; and

WHEREAS, consistent with AB 361, during the effectiveness of this Resolution, the Legislative Bodies 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, THE 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 have considered the existing conditions of the state of emergency in the City and, consistent with the provisions of Government Code § 54953(e), hereby find and determine that: (1)

a proclaimed statewide state of emergency and a proclaimed local emergency related to COVID-19 are both currently in effect and persist in the jurisdictional boundaries of the City and the Successor Agency and Housing Authority; and (2) State, local and CDC officials have recommended measures to promote social distancing in connection with the COVID-19 emergency.

SECTION 3. The City Council, Carson Successor Agency Board, and Carson Housing Authority Board hereby acknowledge and affirm the continued effectiveness of the Governor's proclaimed state of emergency and the City's proclaimed local emergency (as may have been amended since their initial proclamation) which encompass their jurisdictional boundaries.

SECTION 4. The Legislative Bodies and staff are hereby authorized and directed to take all actions necessary to carry out the intent and purpose of this Resolution, including conducting all open and public meetings of the Legislative Bodies in accordance with Government Code § 54953(e) and other applicable provisions of the Brown Act.

SECTION 5. This Resolution shall take effect immediately upon its adoption and shall be effective until the earlier of (i) November 4, 2021, or (ii) 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 extend the time during which the Legislative Bodies may continue to teleconference without compliance with paragraph (3) of subdivision (b) of Government Code § 54953.

SECTION 6. 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 7. The City Clerk/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 5th day of October, 2021.

Lula Davis-Holmes, Mayor/Chairwoman

APPROVED AS TO FORM:

Sunny K. Soltani, City Attorney/Board Counsel

ATTEST:

John W. Carroll, Sr.
Chief Deputy City Clerk/Board Secretary

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

I, John W. Carroll, Sr., Chief 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. 21-132 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 October 5, 2021, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

John W. Carroll, Sr.
Chief Deputy City Clerk/Board Secretary