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Alameda Corridor Transportation Authority

November 15, 2021

To:	Governing Board
From:	Michael C. Leue, Chief Executive Officer 
Subject:	<i>APPROVE Resolution No. JPA 21-3 authorizing teleconference meetings for the ACTA Governing Board and its Audit Committee pursuant to Government Code Section 54953(e)(3)</i>

Recommendation:

Approve the proposed Resolution to authorize the ACTA Governing Board and its Audit Committee to continue to hold teleconference meetings due to the COVID-19 pandemic.

Discussion:

Due to the COVID-19 pandemic, from April 2020 onward the Governing Board and its Audit Committee have conducted public meetings via telephonic conference calls while such remote meetings were authorized through various Executive Orders issued by the Governor of California. These Executive Orders expired on September 30, 2021.

On September 16, 2021, the Governor signed into law Assembly Bill 361 (AB 361), which amended certain requirements of the Ralph M. Brown Act (“Brown Act”) by allowing a continuation of similar remote meeting practices during declared states of emergency where certain requirements are met. Pursuant to the Governor’s Executive Order N-15-21, AB 361 went into effect on October 1, 2021.

On September 30, 2021, the City of Long Beach Health Officer recommended that physical distancing measures continue to be practiced throughout Long Beach communities and that they be continued by the City’s legislative bodies to minimize the spread of COVID-19 for the protection of the community, staff, presenters, and legislative body members. See Transmittal 1.

Prior to the COVID-19 pandemic, the ACTA Governing Board and its Audit Committee held public meetings at the Long Beach City College Liberal Arts Campus located in the City of Long Beach, and ACTA offices are located in Long Beach, both of which make the City of Long Beach advice applicable.



In order to utilize the Brown Act remote meeting provisions, set forth in AB 361, legislative bodies must make certain findings regarding the COVID-19 state of emergency and the need for remote meetings, and so long as the need for remote meetings continues, make those findings by a majority vote every 30 days. If adopted, the attached Resolution (Transmittal 2) would make the necessary findings pursuant to the Brown Act to authorize the Governing Board and its Audit Committee to follow the teleconference meeting provisions of Government Code Section 54953(e)(2). The Governing Board will need to hold public meetings and make similar findings no less frequently than every 30 days, regardless of whether other agency business is on the meeting agenda.

Along with adopting the proposed Resolution and authorizing the continuation of remote meetings, the Governing Board will have to implement the provisions of Government Code Section 54953(e)(2). ACTA may continue holding teleconference meetings, allowing Board members to call-in remotely without specifying their location or posting agendas at each teleconference location. Public access and comment via telephone will also continue, with the following additional safeguards in place: (1) public comments cannot be required to be submitted in advance of meetings; (2) the public must be allowed to address the Board in real time during meetings to offer comment; (3) where public comment is provided separately on each agenda item (and not a timed public comment period), a reasonable amount of time per agenda item shall be provided for public comment; and (4) in the event of a disruption that prevents the Board from broadcasting the meeting to the public, or a disruption within the Board's control which prevents the public from offering public comments, the Board shall not take further action on agenda items until public access to the meeting is restored.

Budget Impact:

There will be no budget impact from the proposed action.

Co-General Counsel Review:

ACTA's Co-General Counsel has reviewed and approved the proposed Resolution as to form.

Transmittals:

Transmittal 1 – City of Long Beach Health Officer Letter dated September 30, 2021
Transmittal 2 – Resolution No. JPA 21-3