

Resolution No. JPA 21-3

RESOLUTION MAKING FINDINGS PURSUANT TO
GOVERNMENT CODE SECTION 54953(e)(3) TO AUTHORIZE
TELECONFERENCE MEETINGS FOR
THE ACTA GOVERNING BOARD AND ITS AUDIT COMMITTEE

WHEREAS, on March 12, 2020, the Governor of California issued Executive Order N-25-20 which, among other things, temporarily suspended certain requirements of the Ralph M. Brown Act ("Brown Act") in light of the COVID-19 pandemic, an ongoing public health state of emergency; and

WHEREAS, on March 17, 2020, the Governor issued Executive Order N-29-20, further suspending various requirements of the Brown Act for public meetings and replacing the Brown Act portion of Executive Order N-25-20; and

WHEREAS, on June 15, 2021, the Governor issued Executive Order N-08-21, replaced the Brown Act portion of Executive Order N-29-20 and continued certain Brown Act temporary suspensions, but with an expiration date September 30, 2021; and

WHEREAS, on September 16, 2021, the Governor signed into law Assembly Bill 361 ("AB 361"), which allows for teleconference meetings under the Brown Act during declared states of emergency where certain conditions are met; and

WHEREAS, AB 361 requires one of the following three conditions to be met by the legislative body: (1) the legislative body holds a meeting during a proclaimed state of emergency, and state or local officials have imposed or recommend measures to promote social distancing; (2) the legislative body holds a meeting during a proclaimed state of emergency for the purpose of determining, by a majority vote, whether as a result of the emergency, meeting in person would present imminent risks of health or safety of attendees; or (3) the legislative body holds a meeting during a proclaimed state of emergency and has determined, by a majority vote, that as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees; and

WHEREAS, there is a continuing state of emergency concerning the COVID-19 pandemic at both the State and City of Long Beach levels, and, on September 30, 2021, the City of Long Beach Health Officer issued a recommendation for the continuation of virtual public meetings in order to promote social distancing measures for the protection of the community, staff, presenters, and legislative body members, and such recommendation remains in place; and

WHEREAS, prior to the COVID-19 pandemic, the ACTA Governing Board and its Audit Committee held in-person public meetings at the Long Beach City College Liberal Arts campus, located in the City of Long Beach; and

WHEREAS, a legislative body must also make the following findings every 30 days, starting with no later than 30 days after teleconferencing for the first time under AB 361, by a majority vote; (1) the legislative body has reconsidered the circumstances of the state of emergency; and (2) either the state of emergency continues to directly impact the ability of the members to meet safely in person, or state or local officials continue to impose or recommend measures to promote social distancing; and

WHEREAS, the ACTA Governing Board now desires to make the required monthly findings as specified in Government Code Section 54953(e)(3) in order to allow the ACTA Governing Board and its Audit Committee to hold meetings pursuant to the teleconference requirements of Government Code Section 54953(e)(1)-(2);

NOW THEREFORE BE IT RESOLVED as follows:

Section 1. Pursuant to Government Code Section 549(e)(3), the ACTA Governing Board hereby reconsiders the state of emergency of the COVID-19 pandemic and the City of Long Beach Health Officer's recommended measures to promote social distancing, including remote meetings.

Section 2. The ACTA Governing Board finds that the COVID-19 pandemic state of emergency continues to directly impact the ability of legislative bodies to meet safely in person and that the City of Long Beach Health Officer's recommendation to practice physical distancing measures remains in effect.

Section 2. The ACTA Governing Board and its Audit Committee hold meetings in the City of Long Beach, and in consideration of the City of Long Beach Health Officer's recommendations, it hereby authorizes the ACTA Governing Board and its Audit Committee to hold teleconference meetings in accordance with Government Code Section 54953(e)(1)-(2).

Section 3. This resolution shall take effect immediately upon its adoption by the ACTA Governing Board, and the Board Secretary shall certify the vote adopting this resolution.

AYES:

NOES:

ABSENT:

I HEREBY CERTIFY THAT the foregoing resolution was adopted by the ACTA Governing Board at its meeting held on November 15, 2021.

Maria M. Melendres
Board Secretary

APPROVED AS TO FORM

_____, 2021
MICHAEL N. FEUER, City Attorney

By _____
Heather M. McCloskey, Deputy City Attorney
ACTA Co-General Counsel