

RESOLUTION NO. WD-1449

A RESOLUTION OF THE BOARD OF WATER
COMMISSIONERS OF THE CITY OF LONG BEACH MAKING
FINDINGS PURSUANT TO GOVERNMENT CODE SECTION
54953(e)(3) TO AUTHORIZE THE CONTINUATION OF THE
TELECONFERENCE MEETING PROVISIONS OF
GOVERNMENT CODE SECTION 54953(e)(1)-(2)

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

WHEREAS, AB 361 "waivers" include, without limitation, the ability of a
legislative body to allow public access and comment via phone or internet only and to allow
a quorum of the legislative body to take meetings from locations outside the body's
jurisdictional boundaries without specifying the location or posting agendas at each
teleconference location; and

WHEREAS, AB 361 provides public participation safeguards, such as
requiring the legislative body to conduct teleconference meetings in a way that protects the
statutory and constitutional rights of the parties and public appearing before the legislative
body; requiring that the legislative body take no further action if there is a disruption that
prevents the agency from broadcasting the meeting to the public using the call-in or
internet-based service option, or if there's a disruption within the agency's control which
prevents members of the public from offering public comment using the call-in or internet-
based service option; not requiring public comments to be submitted in advance of the
meeting and providing the public opportunity to address the legislative body and offer
comment in real time; and

1 WHEREAS, in order to apply the teleconferencing standards with “waivers”
2 under AB 361, there are certain conditions which must be met; and

3 WHEREAS, on October 14, 2021, the Board of Water Commissioners
4 (“Board”) adopted a resolution finding that, among other things, that Board meetings are
5 being held during a proclaimed state of emergency and that on September 30, 2021 the
6 City of Long Beach Health Officer recommended measures to promote social distancing
7 during public meetings; and

8 WHEREAS, in order to continue conducting Board meetings pursuant to the
9 “waivers” provided by AB 361, the Board must make the following findings every 30 days:
10 (1) the legislative body has reconsidered the circumstances of the state of emergency; and
11 (2) either the state of emergency continues to directly impact the ability of the members to
12 meet safely in person, or state or local officials continue to impose or recommend
13 measures to promote social distancing; and

14 WHEREAS, the Board now desires to make the required monthly findings as
15 specified in Government Code section 54953(e)(3) in order to allow the Board to continue
16 to hold meetings pursuant to the teleconference requirements of Government Code section
17 54953(e)(1)-(2).

18 NOW, THEREFORE, the Board of Water Commissioners of the City of Long
19 Beach resolves as follows:

20 Section 1. Pursuant to Government Code section 54953(e)(3), the Board
21 hereby finds that there is a continuing state of emergency resulting from the COVID-19
22 pandemic and finds that the City of Long Beach Health Officer continues to recommend
23 measures to promote social distancing such as remote meetings of legislative bodies. The
24 Board shall continue to conduct the in-person proceedings of its hybrid meetings in
25 compliance with the recommendations of the City Health Officer.

26 Section 2. This Resolution shall take effect immediately upon its adoption
27 by the Board, and the Secretary to the Board shall certify the vote adopting this Resolution.

28 I hereby certify that the foregoing resolution was adopted by the Board of

1 Water Commissioners of the City of Long Beach at its meeting of November 4, 2021, by
2 the following vote:

3
4 Ayes: Boardmembers: _____
5 _____
6 _____
7 _____

8 Noes: Boardmembers: _____
9 _____

10 Absent: Boardmembers: _____
11 _____

12 Recusal(s): Boardmembers: _____
13 _____

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15 _____
16 Secretary of the Board

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