



## Board Agenda Item No. 08 September 22, 2022

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### RESOLUTION OF LONG BEACH TRANSIT

Resolution authorizing continued teleconference meeting pursuant to Assembly Bill 361.

**WHEREAS**, LONG BEACH TRANSIT values and places the highest priority on public safety and protecting its community; and

**WHEREAS**, LONG BEACH TRANSIT monitors federal, state, and county official updates related to COVID-19 because information, orders, and directives change; and

**WHEREAS**, LONG BEACH TRANSIT is committed to fostering public participation in meetings of its Board of Directors; and

**WHEREAS**, all meetings of the LONG BEACH TRANSIT Board of Directors are open and public, as required by the Brown Act (Gov't Code § 54950 – 54963), so that any member of the public may attend, participate, and watch LONG BEACH TRANSIT conduct its business; and

**WHEREAS**, the Brown Act allows remote teleconferencing, subject to the existence of certain conditions; and

**WHEREAS**, California Assembly Bill 361 was signed into law on September 16, 2021 and amended Government Code Section 54953; and

NOW THEREFORE, THE BOARD OF DIRECTORS OF LONG BEACH TRANSIT HEREBY RESOLVES, FINDS, AND DECLARES AS FOLLOWS:

**SECTION 1:** The above recitals are true and correct and are incorporated herein by this reference.

**SECTION 2:** The Board of Directors of LONG BEACH TRANSIT has reconsidered the circumstances of the COVID-19 state of emergency and the following circumstances continue to exist:

The state of emergency as a result of COVID-19 continues to directly impact the ability of the members of the Board of Directors to meet safely in person; and

The State of California and LONG BEACH TRANSIT continue to impose or recommend measures to promote social distancing.

**SECTION 3:** As a result of the findings in Section 2 above, LONG BEACH TRANSIT is authorized to implement teleconferenced public meetings for its Board of Directors.

**SECTION 4:** Adoption of this Resolution declares and affirms that the Board of Directors authorizes its public meetings to be teleconferenced in accordance with the provisions within Assembly Bill 361 and other applicable provisions of the Brown Act.



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**SECTION 5:** Public comment periods during remote teleconferenced meetings will be conducted as follows:

To ensure the health and safety of the public, the public will have the option of providing public comments telephonically in real time, during Board of Directors meetings.

Comments may be submitted via electronic mail and shared with the Board of Directors. The name of the author, subject matter and summary of the written comment will be announced during the public comment period.

Members of the public will be allowed a reasonable amount of time per agenda item to provide public comments.

All activities during Board of Directors meetings will immediately cease if the internet or website system malfunctions or any technical difficulty arises and will resume once public access has been restored.

Board of Directors will make the findings in this resolution every thirty (30) days by a majority vote to continue teleconference meetings.

Board of Directors shall conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the public attending.

All required elements of teleconferencing as required by AB 361 will be implemented by September 22, 2022.

**SECTION 6:** This Resolution shall take effect immediately upon its adoption and shall be effective until thirty (30) days from its adoption, or such time the Board of Directors adopts a subsequent resolution to extend the time during which LONG BEACH TRANSIT may continue to teleconference public meetings.

**SECTION 7:** It is hereby proclaimed and ordered that during the existence of said local emergency, the powers, functions, and duties of the emergency organization of LONG BEACH TRANSIT shall be as prescribed by federal, state, and county law, as well as the laws, ordinances and resolutions of LONG BEACH TRANSIT.

**SECTION 8:** If any section, subsection, paragraph, sentence, clause, phrase, or portion thereof, of this Resolution is declared by a court of competent jurisdiction to be unconstitutional or otherwise invalid, such decision shall not affect the validity of the remaining portions of this Resolution. The Board of Directors declares that it would have adopted this Resolution, and each section, subsection, paragraph, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, paragraphs, sentences, clauses, phrases, or portions thereof, be declared invalid or unconstitutional. To this end, the provisions of this Resolution are declared to be severable.



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IN WITNESS WHEREOF, we have hereunto set our hands this 22nd day of September 2022 by the following vote.

AYES:

NAYS:

ABSTAIN:

ABSENT:

BOARD OF DIRECTORS, LONG BEACH TRANSIT, CITY OF LONG BEACH, COUNTY OF LOS ANGELES

By: \_\_\_\_\_

Michael Clemson, Board Chair

LONG BEACH TRANSIT

Board of Directors

Attested: \_\_\_\_\_

Abigail Mejia, Board Secretary / Treasurer

LONG BEACH TRANSIT

Board of Directors