

RESOLUTION NO. WD-1447

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 TELECONFERENCE MEETING PROVISIONS OF GOVERNMENT CODE SECTION 54953(e)(1)-(2)

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 spread of COVID-19, an ongoing public health state of emergency; and

WHEREAS, Executive Order N-25-20 still required legislative bodies to provide a publicly-accessible location from which members of the public would be able to observe a public meeting and offer public comment during a meeting; and

WHEREAS, on March 17, 2020, the Governor issued Executive Order N-29-20, which further suspended various requirements of the Brown Act for public meetings, and replaced the Brown Act portion of Executive Order N-25-20 in its entirety; most notably, legislative bodies were no longer required to provide a physical location for the public to observe or provide public comment during a public meeting; and

WHEREAS, on June 15, 2021, the Governor issued Executive Order N-08-21, which, among other things, replaced the Brown Act portion of Executive Order N-29-20, but still allowed for certain Brown Act temporary suspensions, such as not having to provide a physical location for the public to observe or provide public comment during a public meeting and allowing all legislative body members to participate from outside the body's jurisdictional boundaries, and stated that such suspensions would expire on September 30, 2021; and

1 WHEREAS, on September 16, 2021, the Governor signed into law Assembly
2 Bill 361 ("AB 361"), which allows for similar "waivers" of teleconference meetings under the
3 Brown Act during declared states of emergency where certain conditions are met, and
4 which took effect immediately as an urgency bill; and

5 WHEREAS, on September 20, 2021, the Governor issued Executive Order
6 N-15-21 to temporarily suspend the teleconferencing provisions of AB 361 until October 1,
7 2021; and

8 WHEREAS, AB 361 includes key "waivers" of normal teleconferencing
9 requirements including, but not limited to, the ability of a legislative body to allow public
10 access and comment via phone or internet only and to allow a quorum of the legislative
11 body to take meetings from locations outside the body's jurisdictional boundaries without
12 specifying the location or posting agendas at each teleconference location; and

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

23 WHEREAS, in order to apply the teleconferencing standards with "waivers"
24 under AB 361, there are certain conditions which must be met; and

25 WHEREAS, first, AB 361 requires one of the following three conditions to be
26 met by the legislative body: (1) the legislative body holds a meeting during a proclaimed
27 state of emergency, and state or local officials have imposed or recommended measures
28 to promote social distancing; (2) the legislative body holds a meeting during a proclaimed

1 state of emergency for the purpose of determining, by a majority vote, whether as a result
2 of the emergency, meeting in person would present imminent risks of health or safety of
3 attendees; or (3) the legislative body holds a meeting during a proclaimed state of
4 emergency and has determined, by a majority vote, that as a result of the emergency,
5 meeting in person would present imminent risks to the health or safety of attendees; and

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

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

18 WHEREAS, the Board of Water Commissioners (the "Board") now desires to
19 make the required monthly findings as specified in Government Code section 54953(e)(3)
20 in order to allow the Board to hold meetings pursuant to the teleconference requirements
21 of Government Code section 54953(e)(1)-(2).

22 NOW, THEREFORE, the Board of Water Commissioners of the City of Long
23 Beach resolves as follows:

24 Section 1. Pursuant to Government Code section 54953(e)(3), the Board
25 hereby finds that there is a continuing state of emergency resulting from the COVID-19
26 pandemic and finds that the City of Long Beach Health Officer continues to recommend
27 measures to promote social distancing such as remote meetings of legislative bodies. The
28 City Health Officer's recommendation is attached hereto as Attachment "A". The Board

1 shall conduct the in-person proceedings of its hybrid meetings in compliance with the
2 recommendations of the City Health Officer.

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

5 I hereby certify that the foregoing resolution was adopted by the Board of
6 Water Commissioners of the City of Long Beach at its meeting of October 14, 2021, by the
7 following vote:

8
9 Ayes: Boardmembers: _____

10 _____

11 _____

12 _____

13 Noes: Boardmembers: _____

14 _____

15 Absent: Boardmembers: _____

16 _____

17 Recusal(s): Boardmembers: _____

18 _____

19
20 _____
21 Secretary of the Board