NOTICE

SPECIAL MEETING OF THE
SOUTH COAST AQMD GOVERNING BOARD

October 15, 2021 • 10:30 a.m.

AGENDA

Pursuant to Assembly Bill 361, the Governing Board meeting will only be conducted via videoconference and by telephone. Please follow the instructions below to join the meeting remotely.

ELECTRONIC PARTICIPATION INFORMATION
(Instructions provided at bottom of the agenda)
Join Zoom Meeting - from PC, Laptop or Phone
https://scaqmd.zoom.us/j/93128605044
Meeting ID: 931 2860 5044 (applies to all)
Teleconference Dial In +1 669 900 6833 or +1 253 215 8782
One tap mobile +16699006833,,97364562763# or +12532158782,,93128605044#

Audience will be allowed to provide public comment through telephone or Zoom connection.

PUBLIC COMMENT WILL STILL BE TAKEN

Phone controls for participants:
The following commands can be used on your phone’s dial pad while in Zoom meeting:
• *6 - Toggle mute/unmute
• *9 - Raise hand

CALL TO ORDER
• Roll Call
SPECIAL MEETING OF THE GOVERNING BOARD
AGENDA – OCTOBER 15, 2021

1. Comply with AB 361 Requirements to Allow South Coast AQMD Board and South Coast AQMD Brown Act Committees to Continue to Meet Remotely

   Bayron Gilchrist
   General Counsel

This action is to adopt the attached Resolution finding that the Board: 1) has reconsidered the circumstances of the state of emergency; and 2) State or local officials continue to impose or recommend measures to promote social distancing. See Cal. Gov. Code Section 54953(e)(3).

No General Public Comment Period During a Special Board Meeting

Members of the public are afforded the opportunity to speak on the agenda item before or during the Board’s consideration of the item (Gov. Code Section 54954.3). Each speaker may be limited to three minutes. At a special meeting, no other business may be considered (Gov. Code Section 54956(a)).

ADJOURNMENT

Americans with Disabilities Act

Disability and language-related accommodations can be requested to allow participation in the Special Governing Board Meeting. The agenda will be made available, upon request, in appropriate alternative formats to assist persons with a disability (Gov. Code Section 54954.2(a)). In addition, other documents may be requested in alternative formats and languages. Any disability or language-related accommodation must be requested as soon as practicable. Requests will be accommodated unless providing the accommodation would result in a fundamental alteration or undue burden to the South Coast AQMD. Please contact the Clerk of the Boards Office at (909) 396-2500 from 7:00 a.m. to 5:30 p.m., Tuesday through Friday, or send the request to clerkofboard@aqmd.gov.
**INSTRUCTIONS FOR ELECTRONIC PARTICIPATION**

**Instructions for Participating in a Virtual Meeting as an Attendee**
As an attendee, you will have the opportunity to virtually raise your hand and provide public comment.

Before joining the call, please silence your other communication devices such as your cell or desk phone. This will prevent any feedback or interruptions during the meeting.

**Please note:** During the meeting, all participants will be placed on Mute by the host. You will not be able to mute or unmute your lines manually.

After each agenda item, the Chairman will announce public comment.

Speakers may be limited to a total of 3 minutes for the entirety of the consent calendar plus board calendar, and three minutes or less for each of the other agenda items.

A countdown timer will be displayed on the screen for each public comment.

If interpretation is needed, more time will be allotted.

**Once you raise your hand to provide public comment, your name will be added to the speaker list. Your name will be called when it is your turn to comment. The host will then unmute your line.**

**Directions for Video ZOOM on a DESKTOP/LAPTOP:**

- If you would like to make a public comment, please click on the “Raise Hand” button on the bottom of the screen.

- This will signal to the host that you would like to provide a public comment and you will be added to the list.

**Directions for Video Zoom on a SMARTPHONE:**

- If you would like to make a public comment, please click on the “Raise Hand” button on the bottom of your screen.

- This will signal to the host that you would like to provide a public comment and you will be added to the list.

**Directions for TELEPHONE line only:**

- If you would like to make public comment, please **dial *9** on your keypad to signal that you would like to comment and **dial *6** to toggle mute/unmute.
PROPOSAL: Comply with AB 361 Requirements to Allow South Coast AQMD Board and South Coast AQMD Brown Act Committees to Continue to Meet Remotely

SYNOPSIS: This action is to adopt the attached Resolution finding that the Board: 1) has reconsidered the circumstances of the state of emergency; and 2) State or local officials continue to impose or recommend measures to promote social distancing. See Cal. Gov’t Code Section 54953(e)(3).

COMMITTEE: No Committee Review

RECOMMENDED ACTIONS:
Adopt the attached Resolution finding that the Board:
1. Has reconsidered the circumstances of the state of emergency; and
2. State or local officials continue to impose or recommend measures to promote social distancing.

Wayne Nastri
Executive Officer

Background
Governor Newsom previously issued Executive Orders (EOs) N-29-20 and N-35-2 in March 2020, as a response to the public health crisis brought about by the COVID-19 pandemic. These EOs authorized local legislative bodies subject to the Ralph M. Brown Act to conduct meetings entirely via telephonic or other electronic means in lieu of requiring the physical presence of Board members or members of the public. On June 11, 2021 the Governor issued EO N-08-21, which continued suspension of the Brown Act’s teleconferencing requirements, without requiring that members of the public be given the right to access all teleconference locations, through September 30, 2021, in anticipation of the State’s proposed re-opening.
Assembly Bill 361, signed into law by Governor Newsom on September 16, 2021, amends the Brown Act and will stay in effect from October 1, 2021 through January 1, 2024. In part, AB 361 amends subparagraph (e) of Section 54953 of the California Government Code to state that local agencies may continue to use teleconferencing without complying with the teleconferencing requirements of the Brown Act in any of the following circumstances:

A. When the legislative body holds a meeting during a proclaimed state of emergency and state or local officials have imposed or recommended measures to propose social distancing;
B. When the legislative body holds a meeting during a proclaimed state of emergency for the purpose of determining, by majority vote, whether as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees; or
C. When the legislative body holds a meeting during a proclaimed state of emergency and has already determined, by majority vote, pursuant to subparagraph (B), that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

In the event of an ongoing proclaimed state of emergency, or where state or local officials have imposed or recommended measures to promote social distancing, in order to continue to utilize the teleconferencing measures set forth above, a legislative body must, no later than 30 days after teleconferencing for the first time pursuant to Government Code Section 54953(e)(1), and every 30 days thereafter, make the following findings by majority vote:

A. The legislative body has reconsidered the circumstances of the state of emergency.
B. Any of the following circumstances exist:
   i. The state of emergency continues to directly impact the ability of the members to meet safely in person; or
   ii. State or local officials continue to impose or recommend measures to promote social distancing.

See Cal. Gov’t Code Section 54953(e)(1). Governor Newsom first declared a statewide emergency resulting from the COVID-19 pandemic on March 4, 2020. Furthermore, although the State no longer requires physical distancing, both South Coast AQMD and the Los Angeles County Department of Public Health, have recommended proposed social distancing measures.
Proposal
This action is to address the requirements of AB 361 to allow South Coast AQMD Board and South AQMD Brown Act Committees to continue to meet remotely. The recommended action is to adopt the attached Resolution finding that the Board: 1) has reconsidered the circumstances of the state of emergency; and 2) State or local officials continue to impose or recommend measures to promote social distancing. See Cal. Gov’t Code Section 54953(e)(3).

Resource Impacts
No fiscal impact.

Attachment
Resolution
RESOLUTION 21 - ________

A RESOLUTION OF THE GOVERNING BOARD OF THE SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT RECOGNIZING THE PROCLAMATION OF A STATE OF EMERGENCY BY GOVERNER NEWSOM ON MARCH 4, 2020 AND THAT THE COUNTY OF LOS ANGELES CONTINUES TO RECOMMEND MEASURES TO PROMOTE SOCIAL DISTANCING; AND AUTHORIZING FULLY OR PARTIALLY REMOTE TELECONFERENCE MEETINGS OF THE GOVERNING BOARD OF THE SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT, AND SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT COMMITTEES SUBJECT TO THE BROWN ACT, FOR THE PERIOD OF OCTOBER 15, 2021 THROUGH NOVEMBER 14, 2021 PURSUANT TO PROVISIONS OF THE BROWN ACT.

WHEREAS, the Governing Board of the South Coast Air Quality Management District (South Coast AQMD) is committed to preserving and nurturing public access and participation in all meetings subject to the provisions of the Ralph M. Brown Act (Cal. Gov. Code §§54950-54963, hereafter Brown Act); and

WHEREAS, pursuant to the provisions of the Brown Act, all meetings of legislative bodies of the South Coast AQMD, which include the South Coast AQMD Governing Board, all Brown Act standing committees ultimately reporting to the South Coast AQMD Governing Board, and all advisory committees and groups subject to the Brown Act, (collectively, hereinafter, “legislative bodies”), are required to be open and public so that any member of the public may attend, participate, and watch the South Coast AQMD’s legislative bodies conduct their business; and

WHEREAS, the Brown Act, Government Code §54953(e), makes provisions for remote teleconferencing participation in meetings by members of a legislative body, without compliance with the requirements of Government Code §54953(b)(3), subject to the existence of certain conditions; and

WHEREAS, a required condition is that a state of emergency has been declared by the Governor pursuant to Government Code §8625, proclaiming the existence of conditions of disaster or of extreme peril to the safety of persons and property within the state caused by conditions as described in Government Code §8558; and

WHEREAS, on March 4, 2020 the Governor proclaimed a State of Emergency to exist in California as a result of the threat of the novel coronavirus (COVID-19); and
WHEREAS, the jurisdiction of the South Coast AQMD includes portions of the Counties of Los Angeles, Orange, Riverside, and San Bernardino areas in the Counties of Riverside and San Bernardino as set forth in Health & Safety Code §40410 and South Coast AQMD Rule 103; and

WHEREAS, the South Coast AQMD headquarters is located in the County of Los Angeles; and

WHEREAS, it is further required that state or local officials have imposed or recommended measures to promote social distancing, or, the legislative body meeting would present imminent risks to the health and safety of attendees; and

WHEREAS, local and California public authorities still recommend measures promoting social distancing and/or mask wearing indoors and in public gatherings as well as recommending compliance with the latest advice issued by the Center for Disease Control (CDC) regarding same; and

WHEREAS, on October 12, 2021, the County of Los Angeles Department of Public Health issued further guidance promoting such measures; and

WHEREAS, on June 23 and August 10, 2021, the South Coast AQMD issued further guidance promoting such measures; and

WHEREAS, the spread of the Delta Variant of COVID-19 poses a continued risk to the health and safety of members of the South Coast AQMD legislative bodies, South Coast AQMD staff, as well as to any members of the general public who attend such meetings in that unvaccinated or partially vaccinated persons are at high risk of contracting this variant and even fully vaccinated persons can contract and potentially unknowingly spread the variant; and

WHEREAS, the Governing Board of the South Coast AQMD does hereby find that the legislative bodies of the South Coast AQMD shall conduct their meetings without compliance with paragraph (3) of subdivision (b) of Government Code section 54953, as authorized by subdivision (e) of section 54953, and that such legislative bodies shall comply with the requirements to provide the public with access to the meetings as prescribed in paragraph (2) of subdivision (e) of section 54953; and

WHEREAS, the legislative bodies of the South Coast AQMD will continue to ensure access to their meetings by making them available telephonically and via virtual access for both members of the legislative bodies and the general public; and
WHEREAS, notice of meetings along with information regarding all methods which may be used for public participation in such meetings will continue to be published in the newspaper, posted at the South Coast AQMD’s headquarters, posted at any teleconference locations which are officially noticed on the agenda, posted on the South Coast AQMD’s website, provided to anyone who requests such information, and clearly printed on any agendas produced for such meetings.

NOW, THEREFORE, BE IT RESOLVED, that the Governing Board of the South Coast AQMD hereby finds that highly contagious nature of the Delta Variant of COVID-19 poses an imminent risk to large numbers of persons meeting indoors in a single location; and

BE IT FURTHER RESOLVED, that the Governing Board of the South Coast AQMD hereby finds that the Governor of California issued a Proclamation of Emergency on March 4, 2020; and

BE IT FURTHER RESOLVED, that the Governing Board of the South Coast AQMD hereby finds that local officials continue to impose or recommend measures to promote social distancing in the South Coast AQMD’s jurisdiction and where the South Coast AQMD’s headquarters is located; and

BE IT FURTHER RESOLVED, that the Governing Board of the South Coast AQMD authorizes and directs staff to take all actions necessary to carry out the intent and purpose of this Resolution including, conducting open and public meetings in accordance with Government Code section 54953(e) and other applicable provisions of the Brown Act; and

BE IT FURTHER RESOLVED, that this resolution shall take effect immediately upon adoption and remain in effect until November 14, 2021 or until such time as the South Coast AQMD Governing Board adopts a subsequent resolution in accordance with Government Code section 54953(e)(3) to extend the time during which legislative bodies of the South Coast AQMD may continue to teleconference without strict compliance with paragraph 3 of Government Code Section 54953(b).

DATE: ______________________   ______________________

CLERK OF THE BOARDS