

RESOLUTION NO. HB22-12

A Resolution of the Hearing Board of the South Coast Air Quality Management District Recognizing the Proclamation of a State of Emergency by Governor Newsom on March 4, 2020 and that the County of Los Angeles Continues to Recommend Measures to Promote Social Distancing; and Authorizing Remote Teleconference Meetings of the Hearing Board of the South Coast Air Quality Management District, for the Period of December 6, 2022 Through January 5, 2023 Pursuant to Provisions of the Brown Act.

WHEREAS, the Hearing Board of the South Coast Air Quality Management District (“South Coast AQMD Hearing Board”) 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 the South Coast AQMD Hearing Board are required to be open and public so that any member of the public may attend, participate, and watch the Hearing Board 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 officials still recommend measures promoting social distancing; and

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

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

WHEREAS, the South Coast AQMD Hearing Board 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 South Coast AQMD Hearing Board will continue to ensure access to their meetings by making them available telephonically and via virtual access for members of the Hearing Board 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 South Coast AQMD Hearing Board hereby finds that the highly contagious COVID-19 poses an imminent risk to large numbers of persons meeting indoors in a single location; and

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

BE IT FURTHER RESOLVED, that the South Coast AQMD Hearing Board 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 staff for the South Coast AQMD Hearing Board is hereby authorized and directed 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 shall remain in effect until January 5, 2023 or until such time the South Coast AQMD Hearing Board adopts a subsequent resolution in accordance with Government Code section 54953(e)(3) to extend the time during which the legislative bodies of the South Coast AQMD Hearing Board may continue to teleconference without compliance with paragraph (3) of Government Code Section 54953(b).

DATE: _____

Cynthia Verdugo-Peralta
Hearing Board Chair

ATTEST:

Faye Thomas
Clerk of the Boards