



Arroyo Verdugo Communities Joint Powers Authority

DATE: February 3, 2022

TO: Governing Board

FROM: Laura Rubio-Cornejo, Executive Director

SUBJECT: CONSIDERATION OF A RESOLUTION TO ALLOW THE ARROYO VERDUGO COMMUNITIES JOINT POWERS AUTHORITY GOVERNING BOARD AND ALL OF ITS SUBORDINATE BODIES, TO MEET REMOTELY PURSUANT TO THE BROWN ACT AS AMENDED BY AB 361

RECOMMENDATION:

It is recommended that the Governing Board:

1. Find that this action is exempt from review pursuant to the California Environmental Quality Act (CEQA) in accordance with State CEQA Guidelines Section 15061(b)(3), the “common sense” exemption that CEQA only applies to projects that have the potential for causing a significant effect on the environment; and
2. Adopt A Resolution of the Governing Board of the Arroyo Verdugo Communities Joint Powers Authority Authorizing Remote Teleconference Meetings of the Governing Board and all Joint Powers Authority subordinate bodies, for the period February 3, 2022-March 4, 2022.

BACKGROUND:

Since March of 2020 and because of the COVID-19 pandemic, Governing Board of the Arroyo Verdugo Communities Joint Powers Authority (AVCJPA) and all of its subordinate bodies¹, have been meeting remotely pursuant to the Governor’s Executive Order N-29-20, which suspended certain teleconference requirements of the Brown Act. On June 11, 2021, the Governor issued Executive Order N-08-21, which rescinds these suspensions effective September 30, 2021. In recognition of the fact that the pandemic is ongoing, on September 16, 2021 the Governor signed AB 361, an urgency measure, which amends the Brown Act and authorizes teleconferenced public meetings under certain circumstances where the participation is from a remote location. AB 361 went into effect October 1, 2021 and expires on January 1, 2024.

On December 2, 2021, pursuant to Government Code Section 54953, the Governing Board adopted “A Resolution of the Governing Board of the Arroyo Verdugo Communities Joint Powers Authority Authorizing Remote Teleconference Meetings of the Governing Board and all Joint Power Authority Subordinate Bodies, for the period December 2-December 31, 2021”. Section 54953 requires that, if after adoption of that initial resolution authorizing remote teleconference meetings for a 30-day period, the legislative body wishes to continue meeting remotely, it must find that it has reconsidered the circumstances of the state of emergency, and either: (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. Such findings are set forth in the

¹ The AVCJPA Technical Advisory Committee.

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resolution proposed herewith, and would permit meetings pursuant to Section 54953 for another 30 days. If the Governing Board desires to continue to meet remotely, it must comply with AB 361.

Accordingly, if the Governing Board wishes for itself and all of its subordinate bodies to be able to meet remotely during the current declared state of emergency, it should adopt a resolution finding that measures to promote social distancing by state or local officials, and/or meeting in person would present imminent risks to the health or safety of attendees as a result of the emergency. This resolution would permit meetings pursuant to AB 361 for a maximum period of 30 days. If the Governing Board desires to continue using the teleconference exception beyond that initial 30-day period, it must confirm the circumstances of the state of emergency and make required findings at least 30 days after adoption of that resolution and every 30 days thereafter.

ENVIRONMENTAL REVIEW:

The California Environmental Quality Act (CEQA), State CEQA Guidelines Section 15061(b)(3) provides a “common sense” exemption to environmental review that CEQA only applies to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to review. The action proposed herein, the continuance of holding meetings remotely during a declared state of emergency, does not have the potential for causing a significant effect on the environment.

FISCAL IMPACT:

The recommended action will have no immediate fiscal impact.

Attachment: Resolution

RESOLUTION NO. 22-4

A RESOLUTION OF THE GOVERNING BOARD OF THE ARROYO VERDUGO COMMUNITIES JOINT POWERS AUTHORITY AUTHORIZING REMOTE TELECONFERENCE MEETINGS OF THE GOVERNING BOARD AND ALL JOINT POWER AUTHORITY SUBORDINATE BODIES, FOR THE PERIOD FEBRUARY 3, 2022- MARCH 4, 2022

WHEREAS, the Arroyo Verdugo Communities Joint Powers Authority is committed to preserving and fostering public access and participation in meetings of the Governing Board and all Governing Board subordinate bodies as required by the Ralph M. Brown Act (Cal. Gov. Code §§ 54950 – 54963), so that any member of the public may attend and participate as the bodies conduct the public’s business; and

WHEREAS, the Brown Act makes special provisions for remote teleconferencing participation in meetings when the Governor has declared a state of emergency pursuant to Government Code section 8625, and either state or local officials have imposed or recommended measures to promote social distancing, or an in-person meeting would present imminent risks to the health and safety of attendees; and

WHEREAS, such conditions now exist in the Arroyo Verdugo Communities. Specifically, on March 4, 2020, Governor Gavin Newsom issued a Proclamation of a State of Emergency with regard to the COVID-19 pandemic (“State of Emergency”). Los Angeles County Health Officer has issued numerous Health Orders regarding safety protocols during the COVID-19 pandemic, most recently dated September 28, 2021. Pasadena’s Health Officer has also issued numerous Health Orders regarding

safety protocols during the COVID-19 pandemic, including a June 14, 2021 Order To Comply With California Department Of Public Health Guidance For The Use Of Face Coverings And Select Sector Guidances And Public Health Protocols (which, among other orders, requires physical distancing of at least 6 feet) and a July 21, 2021 Order For Wearing Of Face Masks In Public Settings (requiring face masks be worn, regardless of vaccination status, in all indoor public settings). These latest orders were made necessary by the rise in the more contagious and easily spread Delta variant of the COVID-19 virus throughout the nation, and specifically in the Los Angeles County region. State and local health orders also continue to promote social distancing and outdoor activity to the extent feasible; and

WHEREAS, the Governing Board finds that the current situation with regard to COVID-19, and particularly the Delta variant, is causing, and will continue to cause, risks to the safety of persons within the Arroyo Verdugo Communities and finds that the Governing Board and all Governing Board bodies shall conduct their meetings with remote participation in the manner authorized by Government Code § 54953(e), and such legislative bodies shall comply with the requirements to provide the public with access to the meetings as prescribed in Government Code § 54953(e)(2).

NOW, THEREFORE, BE IT RESOLVED by the Governing Board of the Arroyo Verdugo Communities Joint Powers Authority as follows:

Section 1. Recitals. The Recitals set forth above are true and correct and are Incorporated herein by reference.

Section 2. Findings. The Governing Board finds:

- A. It has reconsidered the circumstance of the State of Emergency, which is still in effect;
- B. The State of Emergency continues to directly impact the ability of the Governing Board (and the members of the public who would wish to attend) to meet safely in person as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees, as specified in 54953 (e)(1)(C).; and
- C. State and local officials continue to recommend measures to promote social distancing.

Section 2. Remote Teleconference Meetings. The Governing Board and all Governing Board bodies shall conduct their meetings with remote participation in the manner authorized by Government Code § 54953(e), and such legislative bodies shall comply with the requirements to provide the public with access to the meetings as prescribed in Government Code § 54953(e)(2).

Section 3. Effective Date of Resolution. This Resolution shall take effect immediately upon its adoption and shall be effective until the earlier of March 4, 2022, or such time as the Governing Board adopts a subsequent resolution in accordance with Government Code § 54953(e)(3) to extend the time during which meetings may continue to be held remotely by teleconference in compliance with that section.

Adopted at the _____ meeting of the Governing Board on the _____ day
of _____, 2022 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ALEJANDRA FLORES, Board Secretary

Approved as to form:

Joseph H. McDougall
City Attorney, City of Burbank