



Arroyo Verdugo Communities Joint Powers Authority

DATE: October 6, 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 October 6, 2022-November 1, 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 1, 2021 County officials confirmed the detection of a new COVID-19 variant, Omicron, in Northern California. This variant has been shown to spread more easily than the original SARS-CoV-2 virus. On December 29, 2021 the Los Angeles County Department of Public Health reported a 91% increase in positive cases in one week (from 8,633 to 16,510), making it one of the highest daily case counts of the Pandemic. Furthermore, hospitalizations increased by 30% in one week and 25 new deaths were confirmed. Keeping the community safe from all the COVID-19 variants, such as Omicron and Delta, is of extreme importance. Having in-person Council meetings would result in the City Council

¹ The AVCJPA Technical Advisory Committee.

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

October 6, 2022

Page 2 of 2

sitting on the dais, and staff in very close proximity to each other, as well as members of the public sitting in the audience being in close contact with each other. Also, attendees may or may not be vaccinated. Further, any in-person meetings occur indoors, and a typical Governing Board meeting runs approximately two hours. Based on the high community transmission rates and the risks from COVID as articulated in the County's newest Health Order, these factors increase the possible transmission rate of COVID even if all participants are wearing masks. As such, holding in-person meetings will result in imminent risk to attendees. 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 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