

Resolution No.  
Meeting Date: 11/4/2021

Attachment A

A RESOLUTION OF THE GOVERNING BOARD OF THE SAN DIEGO COUNTY AIR  
POLLUTION CONTROL DISTRICT RELATING TO THE HOLDING OF  
TELECONFERENCE MEETINGS PURSUANT TO GOVERNMENT CODE SECTION  
54953(e)

WHEREAS, the San Diego County Air Pollution Control District (“District”) is committed to preserving and nurturing public access and participation in meetings of the Governing Board and promoting and protecting the health and safety of District officials, officers, employees, and members of the public; and

WHEREAS, all meetings of the District’s legislative bodies are open and public, as required by the Ralph M. Brown Act (Cal. Gov. Code §§ 54950 – 54963), so that any member of the public may attend, participate, and watch the District’s legislative bodies conduct their business; and

WHEREAS, Government Code section 54953(e) makes provisions for remote teleconferencing participation in meetings by members of a legislative body without compliance with the requirements of Government Code section 54953(b)(3) under any of the following circumstances:

- (A) The legislative body holds a meeting during a proclaimed state of emergency, and state or local officials have imposed or recommended measures to promote social distancing;
- (B) 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) The legislative body holds a meeting during a proclaimed state of emergency and has 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; and

WHEREAS, on March 4, 2020, the Governor proclaimed a state of emergency relating to the COVID-19 pandemic, and such state of emergency remains in effect; and

WHEREAS, state and local officials continue to recommend measures to promote social distancing under certain circumstances or for certain populations, including, but not limited to, persons who have COVID-19, persons who have recently been in close contact with a person who has COVID-19, and persons in high-risk groups; and

WHEREAS, the Governing Board desires that the legislative bodies of the District conduct their meetings by teleconference or videoconference without compliance with the teleconferencing provisions of Government Code section 54953(b)(3), as authorized by section 54953(e), and that such legislative bodies shall comply with the requirements to provide the public with access to the meetings as prescribed in section 54953(e)(2).

NOW, THEREFORE, THE GOVERNING BOARD OF THE SAN DIEGO COUNTY AIR POLLUTION CONTROL DISTRICT DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. Recitals. The Recitals set forth above are true and correct and are incorporated into this Resolution by this reference.

Section 2. Finding of Governor's Proclamation of a State of Emergency and Recommended Social Distancing Measures. The Governing Board hereby finds that the Governor of the State of California's proclaimed state of emergency relating to COVID-19, effective as of its issuance date of March 4, 2020, remains in effect, and that state and local officials continue to recommend social distancing measures under certain circumstances or for certain populations to minimize the spread of COVID-19.

Section 3. Remote Teleconference Meetings. The staff and legislative bodies of the San Diego County Air Pollution Control District are 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.

Section 4. 30 Day Renewal of Finding. If the Governing Board does not hold a meeting within the next 30 days, the Chair is directed to review the status of the state of emergency and whether state or local officials continue to impose or recommend measures to promote social distancing. If both conditions exist, the Chair is directed to memorialize such determination in writing and such writing will be presented for ratification at the next meeting of the Governing Board.

Section 5. Effective Date of Resolution. This Resolution shall take effect immediately upon its adoption and shall remain in effect until the earlier of: (i) 30 days after adoption of this Resolution; or (ii) the Governing Board adopts a subsequent resolution or motion in accordance with Government Code section 54953(e)(3). In the event that a Governing Board-approved resolution or motion pursuant to Government Code section 54953(e)(3) is not in effect at the time another District legislative body is to hold a meeting, such other legislative body is authorized to adopt its own resolution or motion in accordance with Government Code section 54953(e)(3).

PASSED AND ADOPTED by the Governing Board of the San Diego County Air Pollution Control District, this \_\_\_ day of \_\_\_\_\_, 2021, by the following vote:

APPROVED AS TO FORM AND LEGALITY  
Rodney Lorang, Senior Deputy County Counsel