

Air Pollution Control District Governing Board
San Diego County Air Pollution Control District
AGENDA ITEM # 01

DATE: November 4, 2021

TO: Air Pollution Control District Governing Board

SUBJECT:

ADOPTION OF RESOLUTION RELATING TO THE HOLDING OF TELECONFERENCE MEETINGS

REQUESTED ACTION:

Adopt the Resolution entitled, “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).”

OVERVIEW:

The San Diego County Air Pollution Control District (“District”) is committed to preserving public access and participation in meetings of the Governing Board while promoting and protecting the health and safety of District officials, officers, employees, and members of the public. Under the Ralph M. Brown Act (Gov. Code §54953(b)) (“Brown Act”), all meetings of the District’s legislative bodies, which include the Governing Board and the Hearing Board, are open and public. Under ordinary operation of the Brown Act, a legislative body may use teleconferencing only if: 1) Agendas are posted at all teleconference locations; 2) All teleconferenced locations are listed in the notice and agenda of the meeting; 3) At least a quorum of members are located within the jurisdiction of the legislative body; and 4) Members of the public are allowed to speak at each teleconferenced location.

Effective October 1, 2021, AB 361 amended the Brown Act to allow suspension of the general teleconferencing requirements if there is a proclaimed state of emergency and state or local officials have imposed or recommended measures to promote social distancing. Revised teleconferencing requirements must still be met, including providing notice of the meeting as otherwise required by the Brown Act, and providing an opportunity for all persons to attend and to address the legislative body directly via a call-in option or an internet based service option. As of October 1, 2021, the elements to meet under the revised teleconferencing requirements have been met. There is currently a State of Emergency and Dr. Wilma Wooten, the County’s Public Health Officer, on September 23, 2021 released a health recommendation which stated that utilizing teleconferencing options for public meetings is an effective and recommended social distancing measure to facilitate participation in public affairs and encourage participants to protect themselves and others from the COVID-19 disease.

In order to continue with meetings under revised teleconferencing procedures, the Governing Board must adopt a resolution with required findings (Attachment A), and adopt a resolution to renew those findings at least every 30 calendar days. Since the Governing Board’s next meeting will not occur within 30 calendar days, the proposed resolution directs the Chair 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.

FISCAL IMPACT:

N/A

ENVIRONMENTAL STATEMENT:

The requested action is not a project subject to the California Environmental Quality Act (“CEQA”). CEQA Guidelines Section 15378(b)(5) provides that the definition of project does not include, “Organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment.”

PREVIOUS RELEVANT BOARD ACTIONS:

N/A

PUBLIC ENGAGEMENT AND OUTREACH

N/A

ATTACHMENT(S):

Attachment A – Resolution entitled, “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).”

SUBMITTED BY:

Paula Forbis, Interim Air Pollution Control Officer

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