

FEATHER RIVER AIR QUALITY MANAGEMENT DISTRICT
MEMORANDUM
02/07/2022

TO: FRAQMD BOARD OF DIRECTORS

FROM: Christopher D. Brown, AICP, APCO

SUBJECT: Approve Resolution #2022-01 of the Board of Directors of the Feather River Air Quality Management District Authorizing Remote Teleconference Meetings of the Legislative Bodies of Feather River Air Quality Management District for the period of February 7, 2022 to March 31, 2022 Pursuant to Brown Act Provisions Due to a State of Emergency.

RECOMMENDATION:

Approve Resolution #2022-01 of the Board of Directors of the Feather River Air Quality Management District Authorizing Remote Teleconference Meetings of the Legislative Bodies of Feather River Air Quality Management District for the period of February 7, 2022 to March 31, 2022 Pursuant to Brown Act Provisions Due to a State of Emergency and authorize the Chairman to execute related documents.

ALTERNATIVES:

Not approve Resolution #2022-01, which would require adjournment of the Board until an in-person meeting was scheduled.

BACKGROUND:

On March 4, 2020 the Governor declared a State of Emergency in California due to the impacts of the novel corona virus (COVID-19). As part of the State of Emergency the Governor issued a variety of Executive Orders, specifically N-25-20, N-29-20, and N-35-20, allowing local and state agencies to hold public meetings using remote means without complying with certain specified provisions of the Ralph M. Brown Act, Government Code §§54950-54963. The waived provisions involved the ability to conduct remote meetings without: identification of all remote locations, agenda posting at all locations used, and public access to all the remote sites. Also waived was the requirement that a quorum of teleconferencing members be physically located within the jurisdiction.

On June 11, 2021 the Governor issued Executive Order N-08-21 which set forth a timetable for the resumption of applicability of those previously waived provisions. Specifically, the normal

provisions of the Brown Act were to resume on September 30, 2021 and any meetings subject to the Brown Act after that date would be required to comply with all applicable provisions of the Act as it existed prior to the original State of Emergency proclamation.

The California Legislature responded by passing AB361 of 2021 which allowed the continued waiver of certain provisions of the Brown Act under certain specified conditions of emergency. The Governor signed AB361 on September 16, 2020 and thereafter issued Executive Order N-15-21 to allow meetings prior to October 1, 2021 to continue to be conducted under prior executive orders but that any meeting occurring on or after October 1, 2021 must be conducted pursuant to the provisions of the Brown Act as it existed prior to the original Executive Order waiver OR the local agency must comply with the provisions of AB361 to continue the waiver of certain provisions in 30 day increments.

On January 5, 2022 the Governor issued Executive Order N-1-22 which extends the sunset of AB361 and permits the continued holding of public meetings via teleconference through March 31, 2022.

The adoption of the attached resolution complies with the provisions of AB361 and will allow the Board of Directors to conduct its February 7, 2022 meeting in the same manner as it has been conducting meetings throughout the pandemic emergency.

FISCAL IMPACT:

No Fiscal Impact

ATTACHMENTS:

Resolution #2022-01

ATTACHMENT
Resolution #2022-01

RESOLUTION NO. 2022-01

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE FEATHER RIVER AIR QUALITY MANAGEMENT DISTRICT AUTHORIZING REMOTE TELECONFERENCE MEETINGS OF THE LEGISLATIVE BODIES OF FEATHER RIVER AIR QUALITY MANAGEMENT DISTRICT FOR THE PERIOD FEBRUARY 7, 2022 THROUGH MARCH 31, 2022 PURSUANT TO BROWN ACT PROVISIONS DUE TO A STATE OF EMERGENCY.

WHEREAS, the Feather River Air Quality Management District (FRAQMD) is committed to preserving and nurturing public access and participation in meetings of the Board of Directors; and

WHEREAS, all meetings of FRAQMD'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, the Brown Act, 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), subject to the existence of certain conditions; and

WHEREAS, a required condition is that a state of emergency is declared by the Governor pursuant to Government Code section 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 section 8558; and

WHEREAS, such conditions now exist in FRAQMD, specifically, on March 4, 2020 the Governor proclaimed a State of Emergency to exist in California as a result of the threat of COVID-19; and

WHEREAS, the continued local rates of transmission of the virus and variants causing COVID-19 are such that meeting in person would present imminent risks to the health or safety of attendees of FRAQMD public meetings if teleconference meetings are not held; and

WHEREAS, the FRAQMD will continue to post meeting agendas on District website, District office building, and at the Yuba and Sutter County Board of Supervisors with access to Zoom meeting links.

NOW, THEREFORE, THE BOARD OF DIRECTORS OF FRAQMD 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. State of Emergency. A proclaimed state of emergency exists and as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

Section 3. Remote Teleconference Meetings. The Air Pollution Control Officer and legislative bodies of FRAQMD 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. Effective Date of Resolution. This Resolution shall take effect immediately upon its adoption and remain in effect until March 31, 2022, or until such time the Board of Directors adopts a subsequent resolution in accordance with Government Code section 54953(e)(3) to extend the

time during which the legislative bodies of FRAQMD may continue to teleconference without compliance with paragraph (3) of subdivision (b) of section 54953.

PASSED AND ADOPTED by the Board of Directors of Feather River Air Quality Management District, this 7th day of February 2022, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

CHAIRMAN

ATTEST:

Approved as to legal form:

Clerk of the Board

District Counsel