

RESOLUTION NO. 2022-L009

A RESOLUTION OF THE LOS ANGELES – SAN DIEGO – SAN LUIS OBISPO RAIL CORRIDOR AGENCY BOARD OF DIRECTORS FINDING THAT, DUE TO THE PROCLAIMED STATE OF EMERGENCY ARISING FROM THE NOVEL CORONAVIRUS (COVID-19), MEETING IN PERSON PRESENTS IMMINENT RISKS TO THE HEALTH AND SAFETY OF ATTENDEES, AND THE EMERGENCY CONTINUES TO DIRECTLY IMPACT THE ABILITY OF THE MEMBERS TO MEET SAFELY IN PERSON.

WHEREAS, the Los Angeles – San Diego – San Luis Obispo Rail Corridor Agency’s (“Agency”) Board of Directors holds regular and special public meetings pursuant to the Ralph M. Brown Act (the “Brown Act”), Government Code section 54950, et seq.; and

WHEREAS, the Brown Act, as amended by AB 361 (Chapter 165, Statutes of 2021), permits the Agency to use teleconferencing for meetings of the Board of Directors without complying with specified teleconferencing requirements imposed by the Brown Act when the Agency’s Board of Directors 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; and

WHEREAS, to continue to hold teleconferencing meetings during the proclaimed state of emergency, the Brown Act requires the Agency’s Board of Directors to make findings every thirty (30) days, by at least a majority vote, that the Board of Directors has reconsidered the circumstances of the state of emergency and determines that the state of emergency continues to directly impact the ability of the members to meet safely in person.

NOW, THEREFORE, BE IT RESOLVED, by a least a majority vote of the Agency’s Board of Directors, pursuant to Government Code section 54953, the Agency does hereby find and determine as follows:

Section 1. The above findings and recitals are true and correct and are incorporated herein in full by this reference.

Section 2. Governor Gavin Newsom has proclaimed a state of emergency due to the global pandemic caused by the novel coronavirus (COVID-19), which remains active as of the adoption of this Resolution.

Section 3. The Agency’s Board of Directors must continue to hold regular and special meetings, pursuant to the Brown Act, during the proclaimed state of emergency.

Section 4. As a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

Section 5. The Agency's Board of Directors has reconsidered the circumstances of the state of emergency and determines that it continues to directly impact the ability of the members to meet safely in person.

Section 6. This Resolution shall take effect upon adoption.

PASSED, APPROVED, and ADOPTED on this _____ day of _____, 2022.

GREGG HART, CHAIRMAN
LOS ANGELES – SAN DIEGO –
SAN LUIS OBISPO RAIL CORRIDOR AGENCY

APPROVED AS TO FORM:

JAMES M. DONICH
GENERAL COUNSEL

ATTEST:

I, Allison Cheshire, Clerk of the Board, of the Directors of the Los Angeles – San Diego – San Luis Obispo Rail Corridor Agency, do hereby certify that the foregoing Resolution No. 2022-L007, by the following votes:

AYES:

NOES:

ABSENT:

ALLISON CHESHIRE
CLERK OF THE BOARD