

**BAY AREA AIR QUALITY MANAGEMENT DISTRICT  
RESOLUTION NO. 2021-14**

**A Resolution of the Board of Directors of The Bay Area Air Quality Management District  
Proclaiming a Local Emergency, Ratifying the Proclamation of a State of Emergency by  
Governor Newsom on March 20, 2020, and Authorizing Remote Teleconference Meetings  
of the Legislative Bodies of the Bay Area Air Quality Management District for the Period  
October 6, 2021 to November 5, 2021 Pursuant to Brown Act Provisions.**

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

WHEREAS, all meetings of Bay Area Air Quality Management 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, 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, a proclamation is made when there is an actual incident, threat of disaster, or extreme peril to the safety of persons and property within the jurisdictions that are within the District's boundaries, caused by natural, technological, or human-caused disasters; and

WHEREAS, it is further required that state or local officials have imposed or recommended measures to promote social distancing, or, the legislative body meeting in person would present imminent risks to the health and safety of attendees; and

WHEREAS, such conditions now exist in the District, specifically, Governor Newsom proclaimed a state of emergency in California starting on March 4, 2020 to prevent, mitigate, and respond to the spread of COVID-19; and

WHEREAS, social distancing has been ordered by state and local public health authorities due to the imminent health risks of in person contacts and meetings during the COVID-19 emergency; and

WHEREAS, the Board of Directors does hereby find that the COVID-19 public health emergency, and its imminent health risks to attendees of public meetings have caused, and will continue to

cause, conditions of peril to the safety of persons within the District that are likely to be beyond the control of services, personnel, equipment, and facilities of the District, and desires to proclaim a local emergency and ratify the proclamation of state of emergency by the Governor of the State of California; and

WHEREAS, as a consequence of the local emergency, the Board of Directors does hereby find that the legislative bodies of the District shall conduct their meetings without compliance with paragraph (3) of subdivision (b) of Government Code section 54953, as authorized by subdivision (e) of section 54953, and that such legislative bodies shall comply with the requirements to provide the public with access to the meetings as prescribed in paragraph (2) of subdivision (e) of section 54953; and

WHEREAS, the District is publicizing in its meeting agendas zoom links for members of the public to participate remotely in meetings of the District's legislative bodies.

NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE BAY AREA AIR QUALITY MANAGEMENT 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. Proclamation of Local Emergency. The Board hereby proclaims that a local emergency now exists throughout the Bay Area Air Quality Management District due to COVID-19, and observes that social distancing has been ordered by the public health authorities due to the imminent health risks of in person contacts and meetings during the COVID-19 pandemic.

Section 3. Ratification of Governor's Proclamation of a State of Emergency. The Board hereby ratifies the Governor of the State of California's Proclamation of State of Emergency, effective as of its issuance date of March 4, 2020.

Section 4. Remote Teleconference Meetings. The staff and legislative bodies of the 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 5. Effective Date of Resolution. This Resolution shall take effect immediately upon its adoption and shall be effective until the earlier of (i) November 5, 2021, or 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 the District may continue to teleconference without compliance with paragraph (3) of subdivision (b) of section 54953.

The foregoing resolution was duly regularly introduced, passed, and adopted at a regular meeting of the Board of Directors of the Bay Area Air Quality Management District on the motion of DIRECTOR GROOM, seconded by DIRECTOR WAGENKNECHT, on the 6th day of OCTOBER 2021, by the following vote of the Board:

AYES: ABE-KOGA, BARRETT, BAUTERS, CHAVEZ, CONSTANTINE, GIOIA, GROOM, HANNIGAN, HAUBERT, HOPKINS, HUDSON, HURT, JUE, MITCHOFF, RENNIE, RICE, ROSS, WAGENKNECHT, WALTON, WILSON.

NOES: NONE.

ABSENT: CANEPA, CUTTER, MELGAR, MILEY.

ABSTAIN: NONE.



Cindy Chavez  
Chair of the Board of Directors

ATTEST:



John J. Bauters  
Secretary of the Board of Directors