

**BOARD OF DIRECTORS OF THE BROAD BEACH  
GEOLOGIC HAZARD ABATEMENT DISTRICT**

Adopted this Resolution on November 19, 2023 by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

**RESOLUTION NO. 2023/07**

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**A RESOLUTION OF THE BBGHAD BOARD OF DIRECTORS MAKING FINDINGS AND DETERMINATIONS UNDER AB 361 FOR THE CONTINUATION OF VIRTUAL MEETINGS AND AUTHORIZING VIRTUAL BOARD MEETINGS PURSUANT TO AB 361**

The BBGHAD ("District") Board of Directors ("Board") hereby finds, orders, and resolves as follows:

**WHEREAS**, The Ralph M. Brown Act (Gov. Code § 54950 et seq.) generally requires local agencies meeting via teleconference, including through other virtual or electronic means, to provide public access at each location in which members of the legislative body are teleconferencing;

**WHEREAS**, On September 16, 2021 the Governor signed AB 361 (in effect as of October 1, 2021 - Government Code Section 54953(e)), which allows legislative bodies to meet virtually provided there is a state of emergency, and either (1) state or local officials have imposed or recommended measures to promote social distancing; or (2) the legislative body determines by majority vote that meeting in person would present imminent risks to the health and safety of attendees;

**WHEREAS**, Although the state's COVID-19 state of emergency ended on February 28, 2023, AB 361 will remain in effect until January 1, 2024. As noted above, AB 361 authorizes public meetings to be held virtually if specified conditions are met. These conditions include when state or local officials have imposed or recommended measures to promote social distancing.

**WHEREAS**, State or local officials continue to impose and recommend measures to promote social distancing where appropriate;

**WHEREAS**, for example, California Division of Occupational Safety and Health ("Cal/OSHA") regulations—at Title 8 Section 3205—recommend physical distancing in the

workplace as precautions against the spread of COVID-19 and impose certain restrictions and requirements due to a “close contact” which occurs when individuals are within six feet of another in certain circumstances. Relatedly, the Centers for Disease Control and Prevention continue to recommend avoiding contact and keeping a safe distance from a person who has a suspected or confirmed case of COVID-19.

**WHEREAS**, the Board has considered the circumstances of AB 361 and the state of emergency and finds that the continuation of virtual meetings will allow for full participation by members of the public until social distancing recommendations are no longer needed;

**WHEREAS**, to allow for physical distancing and remote meeting attendance in accordance with these recommended measures, the BBGHAD Board hereby finds that it shall conduct its meetings without compliance with paragraph (3) of subdivision (b) of Government Code section 54953, as authorized by subdivision (e) of section 54953, and that the BBGHAD Board shall comply with the requirements to provide the public with access to the meetings electronically as prescribed in paragraph (2) of subdivision (e) of section 54953.

**WHEREAS**, the Board desires to continue to hold virtual meetings pursuant to AB 361 and Government Code section 54953(e).

**The BBGHAD BOARD OF DIRECTORS RESOLVES THAT:**

1. Consistent with the provisions of Government Code § 54953(e), the Board has considered the above circumstances and hereby recognizes that state and local officials continue to recommend social distancing measures, which can impact the ability of the Board and the public to meet safely in person.

2. The Board shall conduct public meetings in accordance with Government Code § 54953(e) and other applicable provisions of the Brown Act for remote-only meetings.

2. This Resolution shall take effect immediately upon its adoption and remain in effect for 30 days or until such time as the Board affirms this resolution in accordance with Government Code § 54953(e)(3) to extend the time during which the BBGHAD and its Board may continue to teleconference without compliance with Government Code § 54953(b)(3).

3. If any provision of this Resolution or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Resolution which can be given effect without the invalid provision or application, and to this end the provisions of this Resolution are severable. The Board hereby declares that it would have adopted this Resolution irrespective of the invalidity of any particular portion thereof.

4. The BBGHAD Clerk shall certify the passage and adoption of this resolution and enter it into the book of original resolutions.

DATED: November 19, 2023

  
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NORTON KARNO, Chair


I, Heike Fuchs, Clerk of the Broad Beach Geologic Hazard Abatement District, certify that the foregoing resolution was duly adopted by the Board of Directors of the District at a regular meeting held on the 19th day of November, 2023 by the following vote:

AYES: *Karno, Kuba, Atacci*

NOES: *N/A*

ABSENT: *Parice, Needleman*

ABSTAIN: *N/A*

  
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Clerk of the BBGHAD Board