

**RESOLUTION NO. 2021-089**

**A RESOLUTION OF THE ORANGE COUNTY TRANSPORTATION AUTHORITY 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 Orange County Transportation Authority's ("Authority") 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 Assembly Bill 361 (Chapter 165, Statutes of 2021), permits the Authority to use teleconferencing for meetings of the Board of Directors without complying with specified teleconferencing requirements imposed by the Brown Act when the Authority'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 Authority'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 Authority's Board of Directors, pursuant to Government Code section 54953, the Authority 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 Authority'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 Authority'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 \_\_\_\_\_, 2021.

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ANDREW DO, CHAIRMAN  
ORANGE COUNTY  
TRANSPORTATION AUTHORITY

APPROVED AS TO FORM:

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JAMES M. DONICH  
GENERAL COUNSEL

ATTEST:

I, Andrea West, Interim Clerk of the Board of Directors of the Orange County Transportation Authority, do hereby certify that the foregoing Resolution No. 2021-089, by the following votes:

AYES:

NOES:

ABSENT:

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ANDREA WEST  
INTERIM CLERK OF THE BOARD