



Legislation Text

File #: 22-0578, **Version:** 4

Coloma Lotus Advisory Committee recommending as a result of ongoing concerns related to COVID-19, approve the following finding pursuant to Government Code subsection 54953(e)(3) in order to allow for the continued use of virtual or hybrid Coloma Lotus Advisory Committee meetings as authorized under Assembly Bill 361: Pursuant to Government Code subsections 54953(e)(3)(A) and (e)(3)(B)(ii), the Coloma Lotus Advisory Committee has reconsidered the circumstances of the Governor's proclaimed state of emergency resulting from COVID-19 and finds that the El Dorado County Public Health Officer continues to recommend measures to promote social distancing, as documented in the September 30, 2021 "Public Health Officer's Recommendations for Safe Board and Commission Meetings During COVID-19 Pandemic".

DISCUSSION / BACKGROUND

California law requires public access to the meetings of public agencies and officials. The requirements and procedures for local government are outlined in the Ralph M. Brown Act ("Brown Act"). On March 17, 2020, California Governor Gavin Newsom issued Executive Order N-29-20 suspending certain provisions of the State's open meeting laws broadening the flexibility of public bodies to hold teleconference (otherwise referred to as virtual) meetings as a response and effort to mitigate risks of public health due to the COVID-19 pandemic, while still taking actions to accommodate members of the public with disabilities and to ensure adequate notice of meetings.

Executive Order N-29-20 was rescinded on September 30, 2021. On September 15, 2021, California Governor Newsom signed AB 361 into law that, among other things, amended open meeting laws related to teleconference during times of declared emergencies, with a sunset date of January 1, 2024. Traditionally, teleconferencing is only allowable during public meetings if i) the majority of the legislative body's members are present in-person at a noticed location that is within the jurisdiction's boundaries, ii) each teleconference location is identified in the notice of agenda of the meeting, iii) each location is accessible to the public and iv) the public is able to address the legislative body directly via public comment. AB 361 modifies the teleconferencing requirements if certain criteria are met and when local officials have imposed or recommended measures to promote social (physical) distancing during a Governor proclaimed state of emergency. For the legislative body to continue to qualify for said exemptions the legislative body must reconsider and adopt findings thirty days after first meeting pursuant to AB 361 and every thirty days thereafter or at their next regularly scheduled meeting as the first order of business.

Therefore, it is recommended the Coloma Lotus Advisory Committee make the specified findings in order to allow for the continued use of virtual or hybrid meetings as authorized by AB 361.