



## Legislation Text

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**File #:** 21-1728, **Version:** 19

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Clerk of the Board recommending the Board of Supervisors, as a result of ongoing concerns related to COVID-19, approve findings pursuant to Government Code subsection 54953(e)(3) in order to allow for the continued use of virtual or hybrid Board of Supervisors meetings as authorized under Assembly Bill 361. (Cont. 1/10/2023, Item 6)

**FUNDING:** N/A

### **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Executive Order N-29-20 was rescinded on September 30, 2021.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.

The Board first met in a hybrid manner pursuant to AB 361 (with one member participating remotely) at its October 14, 2021, special meeting. Therefore, it is recommended the Board of Supervisors make the specified findings in order to allow for the continued use of virtual or hybrid Board meetings as authorized by AB 361.

### **ALTERNATIVES**

The Board could decide not to adopt the findings, in which case teleconferencing will only be allowed upon adhering to the traditional teleconferencing requirements described above.

### **PRIOR BOARD ACTION**

N/A

### **OTHER DEPARTMENT / AGENCY INVOLVEMENT**

N/A

**CAO RECOMMENDATION / COMMENTS**

Approve as recommended.

**FINANCIAL IMPACT**

N/A

**CLERK OF THE BOARD FOLLOW UP ACTIONS**

As long as current conditions exist, bring this item back to the Board every 30 days for reconsideration.

**STRATEGIC PLAN COMPONENT**

Good Governance

**CONTACT**

Kim Dawson x5393