



Approve Remote Board Meeting

Consent

Prepared by: Lanette Espinoza

Attachments: Yes

Approved by: James Corless

Referring Committee: Not Applicable

1. Issue:

Expiration of Executive Order No. N-25-20 and passage of Assembly Bill 361.

2. Recommendation:

Staff recommends approval of the attached resolution that allow for board members to participate remotely if they wish.

3. Background/Analysis:

The Brown Act is a state law that establishes the procedural framework for members of local government decision-making bodies to meet, debate, and act. The Act is designed to ensure that the public is informed about the views, discussions, and actions of governing officials. SACOG is subject to the Brown Act. On March 12, 2020, the Governor issued Executive Order No. N-25-20 that waived certain requirements of the Brown Act including:

- the requirement that the notice of each meeting location be provided for those members of the legislative body (board or committee) participating in the meeting;
- the requirement that each meeting location be accessible to members of the public;
- the requirement that members of the public be able to address the legislative body (board and committee) at each meeting location;
- the requirement that agencies post agendas at all meeting locations; and
- the requirement that at least a quorum of the legislative body (board and committee) participate from locations within the boundaries of the territory over which they exercise jurisdiction.

With the Executive Order in place, SACOG has been holding its meetings remotely over Zoom since the beginning of the pandemic. The Governor's Executive Order expired on September 30, 2021.

4. Discussion/Analysis:

In September, the Governor signed Assembly Bill (AB) 361, which amends the Brown Act to allow continued flexibility for public meetings following the expiration of the Governor's Executive Order. The provisions of AB 361 regarding remote meetings can only be used in the event there is a Governor issued state of emergency that is active under the California Emergency Services Act and a legislative body makes a determination by resolution that there is a need to meet remotely. The Governor's state of emergency presently remains in effect.

Staff recommends that the committee adopt a resolution that the committee is holding a meeting during a proclaimed state of emergency, and state or local officials have imposed or recommended measures to promote social distancing. An additional stipulation of the legislation is that legislative bodies must approve by resolution the decision to meet remotely every 30 days. Attached is the authorizing resolution that allows this meeting to be held remotely.

Assembly Bill 361 permits remote meetings but requires that:

- agencies may not close public comment periods for written comments in advance of a meeting, but instead only close the comment period at the same time it is closed during a meeting;
- that agencies must clearly advertise the means by which the public can observe the meeting and offer comment during the meeting via either a call or internet based option, the public must be given an opportunity to comment directly; and
- that in the event of a disruption in the broadcasting of the meeting the legislative body (board or committee) would take no further action until meeting access would be restored to the public.

5. Fiscal Impact/Grant Information:

SACOG will continue to have minor cost savings from holding meetings remotely.

6. This staff report aligns with the following SACOG Work Plan Objectives: