



## Approve Remote Board Meeting

Consent

**Prepared by:** Lanette Espinoza

**Attachments:** Yes

**Approved by:** James Corless

**Referring Committee:** Not Applicable

### 1. Issue:

Approval of virtual meetings following expiration of Executive Order No. N-25-20 and passage of Assembly Bill 361.

### 2. Recommendation:

Staff recommends approval of the resolution that would allow for this committee's meetings to continue to be held remotely.

### 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 provide that public bodies may continue to meet remotely so long as state or

local officials have imposed or recommended measures to promote social distancing. Staff recommends that the committee adopt a resolution (attached) determining that state or local officials have imposed or recommended such measures to promote social distancing.

An additional stipulation of the legislation is that, every 30 days, legislative bodies must make findings that state and local officials continue to recommend measures to promote social distancing. As such, staff will bring this item to each committee and the board every month while a state of emergency exists. Attached is the authorizing resolution.

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.

AB 361 continues to remain in place but will sunset on January 1, 2024.

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.

#### **5. Fiscal Impact/Grant Information:**

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

