Legislation Text

File #: 2022-1421, **Version:** 1

To: Board of Supervisors
Department or Agency Name(s): Health Services, County Counsel
Staff Name and Phone Number: Dr. Sundari Mase, Sonoma County Public Health Officer 707-565-4700 and Robert Pittman, County Counsel 707-565-2421
Vote Requirement: Majority
Supervisorial District(s): Countywide

Title:
Continue to Authorize Teleconferencing to Ensure Safe Public Participation in Local Government Meetings

Recommended Action:
Continue to authorize teleconference meetings of the Board of Supervisors of the County of Sonoma, Board of Directors of the Agricultural Preservation and Open Space District, Board of Directors of the Sonoma County Water Agency, Board of Commissioners of the Community Development Commission, and all other public entities for which the Board of Supervisors Acts as Board of Directors or Commissioners, the Sonoma Valley County Sanitation District (collectively referred to as "Board of Supervisors"), and on behalf of commissions and committees created by the Board of Supervisors pursuant to Government Code section 54952(b) authorizing teleconference meetings in compliance with AB 361 and Resolution 21-0399 to continue to allow members of the public to safely participate in local government meetings.

Executive Summary:
Governor Newsom signed Assembly Bill 361 (AB 361) on September 16, 2021, which amends the Ralph M. Brown Act to provide additional provisions that allow meetings of legislative bodies to continue to be conducted via teleconference. On September 28, 2021, the Board of Supervisors adopted Resolution 21-0399 to make the findings to confirm the current conditions allow teleconference meetings pursuant to AB 361 for the Board of Supervisors and on behalf of all of the commissions and committees created by the Board of Supervisors pursuant to Government Code section 54952(b). This board item confirms that those conditions continue to exist and teleconferencing will allow members of the public to safely observe and participate in local government meetings during the continued pandemic.

Discussion:

The Legislature, through the passage of AB 361, suspended many of the Brown Act's requirements for teleconferencing when a board or commission is held during a declared state of emergency. Governor Newsom has passed a series of executive orders that allowed local legislative bodies to hold public meetings remotely to protect public health. AB 361 amended the Brown Act to allow more flexibility to conduct remove public meetings of commissions and boards. In addition, on September 28, 2021, in compliance with AB 361, the Sonoma County Board of Supervisors adopted Resolution 21-0399 to make the required findings to allow remote meetings, and the Board has continued to make those findings every thirty days as required by state law. The Governor's Executive Order N-29-20 (as revised by Executive Order No. N-08-21, No. N-21-21 and No.

N-04-22), has continued to authorize remote meetings that comply with AB 361.

AB 361 allows a local agency legislative body to hold a meeting utilizing teleconferencing without complying with the standard teleconferencing requirements if the Governor has proclaimed a State of Emergency and if the local Public Health Officer continues to recommend social distancing measures to protect the public health and safety during local government meetings. These conditions continue to exist.

Governor Newsom's March 4, 2020 Proclamation of Emergency related to the COVID-19 pandemic is still in effect. In addition, the Sonoma County Public Health Officer continues to recommend teleconferencing or social distancing to protect the public's health and safety during local government meetings. This board item confirms that the conditions continue to exist to allow Resolution 21-0399's continued authorization of teleconferencing of meetings in compliance with AB 361.

If a meeting is held via teleconference under AB 361, the following requirements apply:

*Notice of the meeting must continue to be given in compliance with the Brown Act.

*The notice must continue to include the means by which the public may access the meeting and provide public comment.

*The public must continue to have access to the meeting via a call-in option or internet-based service option. The agency does not have to provide an in-person option for the public to attend.

*Staff should continue to check the broadcast and the ability to take call-in or internet-based public comment to confirm the public has continued access.

County staff continue to monitor Governor Newsom's Executive Orders and the Legislature's pending bills to ensure continued compliance with the Brown Act teleconferencing meeting requirements.

Prior Board Actions:
On September 28, 2021 the Board adopted a concurrent resolution of the Board of Supervisors of the County of Sonoma, Board of Directors of the Agricultural Preservation and Open Space District, Board of Directors of the Sonoma County Water Agency, Board of Commissioners of the Community Development Commission, and all other public entities for which the Board of Supervisors Acts as Board of Directors or Commissioners, the Sonoma Valley County Sanitation District (collectively referred to as "Board of Supervisors"), and on behalf of commissions and committees created by the Board of Supervisors pursuant to Government Code section 54952(b) authorizing teleconference meetings in compliance with AB 361 to continue to allow members of the public to safely participate in local government meetings.

FISCAL SUMMARY
Narrative Explanation of Fiscal Impacts:
N/A

Narrative Explanation of Staffing Impacts (If Required):
None

Attachments:

Attachment 1: Sonoma County Public Health Officer Recommendation to Continue to Use Teleconferencing for Local Government Meetings
Attachment 2: Brown Act Teleconferencing Resolution No. 21-0399

Related Items "On File" with the Clerk of the Board:
None