

Sonoma County Community Development Commission

MEMORANDUM

TO: Sonoma County Consolidated Oversight Board
FROM: Sonoma County Community Development Commission
SUBJECT: Resolution Authorizing Remote Teleconference Meetings of the Consolidated Oversight Board Pursuant to Brown Act Provisions.

Recommendation

Adopt a resolution of the Board of Directors of the Consolidated Oversight Board authorizing teleconference meetings in compliance with AB 361 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. This Resolution makes the findings to confirm the current conditions to allow teleconference meetings pursuant to AB 361 exist. This will allow members of the public to safely observe and participate in Consolidated Oversight Board meetings.

Discussion

AB 361 comes as the provisions of Executive Order No. N-29-20 (as revised by Executive Order No. N-08-21), which modifies the requirements for the conduct of meetings via teleconference during the COVID-19 pandemic, expired on September 30, 2021.

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's 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.

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.

Vote Requirement

Majority

Fiscal Impact

None

List of Attachments

Exhibit A – Sonoma County Public Health Officer Recommendation to Continue to Use Teleconferencing for Local Government Meetings

Exhibit B – Resolution



Sonoma County Public Health Recommendations for Safely Holding Public Meetings

September 22, 2021

Each local government agency is authorized to determine whether to hold public meetings in person, online (teleconferencing only), or via a combination of methods. The following are recommendations from Sonoma County Public Health to minimize the risk of COVID-19 transmission during a public meeting of a legislative body held in compliance with Government Code section 54953(e):

1. Online meetings (teleconferencing meetings) are strongly recommended as those meetings present the lowest risk of transmission of SARS-CoV-2, the virus that causes COVID-19.
2. If a local agency determines to hold in-person meetings, offering the public the opportunity to attend via a call-in option or an internet-based service option is recommended, when possible, to give those at higher risk of and/or higher concern about COVID-19 an alternative to participating in person.
3. If a local agency holds in person meetings, a written safety protocol should be developed and followed. It is recommended that the protocol require social distancing – i.e., six feet of separation between attendees – and face masking of all attendees in compliance with [Order of the Health Officer of the County of Sonoma C19-25](#).
4. If a local agency holds in person meetings, seating arrangements should allow for staff and members of the public to easily maintain at least six-foot distance from one another at all practicable times.
5. Consider holding public meetings outdoors. Increasing scientific consensus is that outdoor airflow reduces the risk of COVID-19 transmission compared to indoor spaces. Hosting events outdoors also may make it easier to space staff and members of the public at least six feet apart.
6. Current evidence is unclear as to the added benefit of temperature checks in addition to symptom checks. We encourage focus on symptom checks as they may screen out individuals with symptoms but no fever and help reinforce the message to not go out in public if you are not feeling well.
7. Consider a voluntary attendance sheet with names and contact information to assist in contact tracing of any cases linked to a public meeting.

Dr. Sundari R. Mase, MD MPH
Health Officer of the County of Sonoma

RESOLUTION NO. _____

Resolution of the Consolidated Oversight Board Authorizing Teleconference Meetings in Compliance with AB 361 to Continue to Allow Members of the Public to Safely Participate in Local Government Meetings

WHEREAS, the Consolidated Oversight Board is committed to ensuring public access and participation in local government meetings; and

WHEREAS, all meetings of the Consolidated Oversight Board are open and public, as required by the Ralph M. Brown Act (Cal. Gov. Code 54950 – 54963), so that any member of the public may participate in local government meetings; and

WHEREAS, the Brown Act, Government Code section 54953(e), makes provisions for remote teleconferencing participation in meetings by members of a legislative body, without compliance with the requirements of Government Code section 54953(b)(3), subject to the existence of certain conditions; and

WHEREAS, on March 4, 2020, Governor Newsom proclaimed a State of Emergency due to the outbreak of respiratory illness due to a novel coronavirus (a disease now known as COVID-19) and that State of Emergency is still in effect in the State of California; and

WHEREAS, the Sonoma County Public Health Officer continues to recommend teleconferencing or social distancing during public meetings of all legislative bodies to protect the community's health against the spread of COVID-19 (Exhibit A); and

WHEREAS, the Consolidated Oversight Board finds on behalf of itself that the current conditions meet the circumstances set forth in Government Code section 54953(e)(3) to continue to use teleconferencing to hold open and public meetings in compliance with the requirements set forth in Government Code section 54953(e)(2) to ensure the public can safely participate in and observe local government meetings.

NOW, THEREFORE, BE IT RESOLVED, that the recitals set forth above are true and correct and are incorporated into this Resolution by this reference; and

BE IT FURTHER RESOLVED, that based on the California Governor's continued declaration of a State of Emergency and the Sonoma County Public Health Officer's recommendation to continue teleconferencing or social distancing during public meetings, the Consolidated Oversight Board finds that the conditions continue to exist pursuant to Government Code section 54953(e)(3) to allow it to use teleconferencing to hold public meetings in accordance with Government Code section 54953(e)(2) to ensure members of the public have continued access to safely observe and participate in local government meetings;

BE IT FURTHER RESOLVED, staff is hereby authorized to take all actions necessary to carry out the intent and purpose of this Resolution including, conducting open and public meetings of the Consolidated Oversight Board in accordance with Government Code section 54953(e)(2) and other applicable provisions of the Brown Act; and

BE IT FURTHER RESOLVED, this Resolution shall take effect immediately upon its adoption.

Exhibit B

PASSED AND ADOPTED by the members of the Consolidated Oversight Board, this 17th day of June, 2022, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

So Ordered.