



Conduct Teleconference Meetings under Government Code Section 54953(e)

Board of Directors Meeting
December 21, 2022



Teleconference Meetings

Key Provisions



- Assembly Bill 361 (AB 361) amended the teleconferencing provision of the Brown Act, Government Code Section 54953(e)
- Effective October 1, 2021, Section 54953(e) authorizes a local agency to use special teleconferencing rules when a legislative body of a local agency holds a meeting during a state of emergency declared by the state and either:
 - State or local health officials have imposed or recommended measures to promote social distancing, or
 - The legislative body is meeting to determine whether, or has determined, by majority vote, that meeting in person would present imminent risks to the health or safety of meeting attendees

AB 361 (Teleconference Meetings)

Key Provisions (cont'd)



- When a legislative body uses the emergency teleconferencing provisions under Section 54953(e), the following rules apply:
 - Agency must provide notice of the meeting and post an agenda as required by the Brown Act and Better Government Ordinance, but agenda does not need to list each teleconference location or be physically posted at each teleconference location. A majority of the Board does not have to participate from a location within District.
 - Agenda must state how members of the public can access the meeting and provide public comment
 - Agenda must include an option for all persons to attend via a call-in or internet-based service option
 - Board must conduct the meeting in a manner that protects the constitutional and statutory rights of the public

AB 361 (Teleconference Meetings) Key Provisions (cont'd)



- If there is a disruption in use of the Zoom platform or in the public's ability to comment via Zoom, Board must stop the meeting until public access and the ability to comment is restored
- Local agencies may not require public comments to be submitted in advance of the meeting and must allow virtual comments to be submitted in real time
- Board must allow a reasonable amount of time per agenda item to permit members of the public to comment, including time to register or otherwise be recognized for the purposes of comment
- AB 361 sunsets on January 1, 2024

Local Health and Safety Conditions



- As of December 7, 2022, COVID-19 case rate, test positivity, hospitalizations, and wastewater surveillance are increasing
- Omicron variant and its subvariants are predominant variants in County
 - These variants have been shown to dramatically increase COVID-19 transmission
- County Health Officer recommendations for safely holding public meetings are still in effect

AB 361 (Teleconference Meetings) Previous Board Actions



- Adopted multiple resolutions authorizing teleconference meetings as required by AB 361
 - October 13, 2021 (Resolution No. 15/2021)
 - November 17, 2021 (Resolution No. 19/2021)
 - January 12, 2022 (Resolution No. 05/2022)
 - March 30, 2022 (Resolution No. 08/2022)
 - June 22, 2022 (Resolution No. 09/2022)
 - September 14, 2022 (Resolution No. 18/2022)
- Authorized continuance of teleconference meetings at intervening Board meetings
 - December 8, 2021
 - February 9, 2022
 - April 20, 2022
 - May 11, 2022
 - July 13, 2022
 - October 12, 2022
 - November 9, 2022

Recommended Actions

- Adopt Resolution authorizing the Board of Directors, in all its capacities, and its subcommittees, to conduct teleconference meetings under GC Section 54953(e) and make related findings
- Determine that these bodies will hold virtual meetings for the next 30 days
- Direct the General Manager to return this matter to the Board for reconsideration as to all bodies covered by the Resolution No. 24/2022