



Conduct Teleconference Meetings under Government Code Section 54953(e)

Board of Directors Meeting
October 13, 2021



Teleconference Meetings

New Developments



- Assembly Bill 361 (AB 361) recently 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:
 - a) state or local health officials have imposed or recommended measures to promote social distancing, or
 - b) 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

Key Provisions

- 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 the 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 the 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

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, the 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

Recommended Actions

- Adopt Resolution authorizing teleconferencing under Section 54953(e)
- Determine that the State has declared a state of emergency related to COVID-19
- Find that social distancing recommendations are in place and that there is imminent risk of harm to the public, staff, and officials, if live meetings are conducted
- For the next 30 days, the Board in all its capacities, and its subcommittees, to hold teleconference meetings consistent with the rules described above
- Direct the General Manager to return with an item for the Board to consider whether to continue meeting under the provisions of Government Code Section 54953(e)