



## MEMO

**To:** NCRA Board of Directors

**From:** Executive Director Stogner

**Date:** November 10, 2021

**Subject:** Agenda Item E.1 – Discussion and Possible Action Regarding Proposed Resolution to Authorize Teleconferencing to Ensure Safe Public Participation in Local Government Meetings Pursuant to Assembly Bill 361 (AB 361)

The provisions of Executive Order No. N-29-20 (as revised by Executive Order No. n-08-21), which modified the requirements for the conduction of meetings via teleconference during the COVID-19 pandemic, expired on September 30, 2021.

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 item requests that the Board of Directors make the findings to confirm that current conditions allow teleconference meetings pursuant to 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'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 public health officers of Sonoma County, Marin County, Mendocino County, and Humboldt County continued 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 comment to confirm the public has continued access.

**Staff Recommendation:**

Staff recommends the Board adopt the attached proposed resolution making the necessary findings and directing the proper conduct of remote meetings.