

REPORT

DATE: January 13, 2022

TO: Capital Projects and Construction Committee
Energy, Environment, and Natural Resources Committee
Executive Committee
Governing Board
Transportation Committee

FROM: Marisa Creter, Executive Director

RE: ADOPT JOINT RESOLUTION 22-01 OF THE CAPITAL PROJECTS AND CONSTRUCTION COMMITTEE, EXECUTIVE COMMITTEE, ENERGY, ENVIRONMENT, AND NATURAL RESOURCES COMMITTEE, GOVERNING BOARD, AND TRANSPORTATION COMMITTEE MAKING FINDINGS TO ENABLE THEM TO CONTINUE TO HOLD MEETINGS VIA TELECONFERENCING

RECOMMENDED ACTION

Adopt Joint Resolution 22-01 making certain findings that the existence of a local and state of emergency in California exists, that social distancing being mandated or recommended by state or local officials due to the ongoing COVID-19 pandemic and that meeting in person presents an imminent risk to the health and safety of attendees.

BACKGROUND

Introduced by Assemblymember Robert Rivas (D-Hollister) on February 1, 2021, AB 361 codifies portions of Governor Gavin Newsom's prior order suspending certain teleconferencing requirements under the Ralph M. Brown Act. It permits a local agency to continue to teleconference with fewer limitations if a local agency makes specified findings, and upon making such findings for the first time, makes the findings every 30 days thereafter. Specifically, the AB 361 exempts a local agency from Brown Act requirements to post agendas and make accessible to the public every location from which a member of a Brown Act body teleconferences. The legislation expires in December 2024. On September 16, 2021, California Governor Gavin Newsom signed AB 361 into law, effective immediately.

A local agency wishing to rely on the provisions of AB 361 must meet one of the following criteria:

1. The local agency holds a meeting during a proclaimed state of emergency, and state or local officials have imposed or recommended measures to promote social distancing; or
2. The local agency holds a meeting during a proclaimed state of emergency and has determined, by majority vote, that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

On March 4, 2020, Governor Newsom proclaimed a State of Emergency in California due to the threat of COVID-19 and shortly thereafter issued Executive Order N-29-20 suspending certain

