

COUNTY OF NEVADA
STATE OF CALIFORNIA
BOARD OF SUPERVISORS



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Julie Patterson Hunter,
Clerk of the Board

NEVADA COUNTY BOARD OF SUPERVISORS
Board Agenda Memo

MEETING DATE: November 16, 2021
TO: Board of Supervisors
FROM: Julie Patterson-Hunter
SUBJECT: Resolution authorizing remote teleconference meetings of the Board of Supervisors and its legislative bodies pursuant to the Ralph M. Brown Act

RECOMMENDATION: Adopt the attached Resolution.

FUNDING: N/A

BACKGROUND:

California law requires public access to the meetings of public agencies and officials. The requirements and procedures for local governments are outlined in the Ralph M Brown Act ("Brown Act") with state agencies being governed by the Bagley-Keene Open Meeting Act ("Bagley-Keene Act") and student governments in the California State University system governed by the Gloria Romero Open Meetings Act of 2000 ("Gloria Romero Act"). On March 17, 2020, California Governor Gavin Newsom issued Executive Order N-29-20 suspending certain provisions of the State's open meeting laws broadening the flexibility of public bodies to hold teleconference (otherwise referred to as virtual) meetings as a response and effort to mitigate risks of public health due to the COVID-19 pandemic, while still taking actions to accommodate members of the public with disabilities and to ensure adequate notice of meetings.

On September 15, 2021 California Governor Newsom signed AB 361 (Robert Rivas) into law that, amongst other things, amended open meeting laws related to teleconferencing during times of declared emergencies with a sunset date of January 1, 2024. Absent Executive Order N-29-20, which was rescinded on September 30, 2021, teleconferencing is only allowable during public meetings if i) the majority of its members are present in-person at a noticed location that is within the jurisdiction's boundaries, ii) each teleconference location is identified in the notice of agenda of the meeting, iii) each location is accessible to the public and iv) the public is able to address the legislative body directly via public comment. Subsequently, AB 361 exempts teleconferencing requirements if certain criteria are met that includes when local officials have imposed or recommended measures to promote social (physical) distancing (including relying on Cal/OSHA requirements) during a declared state of emergency via adopted resolution. For the legislative body to continue to qualify for said exemptions, the legislative body must adopt a continuing resolution within 30 days after the initial resolution. Moreover, within the context of the law, legislative body includes all the County's commissions and committees subject to the Brown Act.

Therefore, because the COVID-19 pandemic remains an active declared state of emergency and Title 8 of the California Code of Regulations, Section 3205(5)(D) specifically recommends physical (social) distancing as one of the measures to decrease the spread of COVID-19 based on the fact that particles containing the virus can travel more than six feet, especially indoors, it is recommended that the Board of Supervisors adopt the attached Resolution authorizing remote teleconference meetings of the Board of Supervisors and its legislative bodies pursuant to the Ralph M. Brown Act. Once adopted, the County and its applicable committees and commissions may adopt similar resolutions at any remote meeting and as long as applicable criteria is met and recommended. The Clerk of the Board shall work in concert with the County Executive Office and County Counsel to assist all applicable committees and commissions.

Item Initiated by Sarah Holyhead, Administrative Analyst II
Approved by Julie Patterson Hunter, Clerk of the Board