

**Sierra County
Board of Supervisors'
Agenda Transmittal &
Record of Proceedings**

MEETING DATE: October 5, 2021	TYPE OF AGENDA ITEM: <input checked="" type="checkbox"/> Regular <input type="checkbox"/> Timed <input type="checkbox"/> Consent
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DEPARTMENT: County Counsel
APPROVING PARTY: David Prentice
PHONE NUMBER: 559-500-1600

AGENDA ITEM: Discussion/adoption of a resolution as a result of a local emergency and authorizing remote teleconference meetings of the legislative bodies of Sierra County pursuant to Brown Act provisions.

SUPPORTIVE DOCUMENTS ATTACHED: Memo Resolution Agreement Other
PrenticeLong article on AB 361

BACKGROUND INFORMATION: See attached background

FUNDING SOURCE:
GENERAL FUND IMPACT: No General Fund Impact
OTHER FUND:
AMOUNT: \$ N/A

ARE ADDITIONAL PERSONNEL REQUIRED? <input type="checkbox"/> Yes, -- -- <input type="checkbox"/> No	IS THIS ITEM ALLOCATED IN THE BUDGET? <input type="checkbox"/> Yes <input type="checkbox"/> No IS A BUDGET TRANSFER REQUIRED? <input type="checkbox"/> Yes <input type="checkbox"/> No
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SPACE BELOW FOR CLERK'S USE

BOARD ACTION: <input type="checkbox"/> Approved <input type="checkbox"/> Approved as amended <input type="checkbox"/> Adopted <input type="checkbox"/> Adopted as amended <input type="checkbox"/> Denied <input type="checkbox"/> Other <input type="checkbox"/> No Action Taken	<input type="checkbox"/> Set public hearing For: _____ <input type="checkbox"/> Direction to: _____ <input type="checkbox"/> Referred to: _____ <input type="checkbox"/> Continued to: _____ <input type="checkbox"/> Authorization given to: _____	Resolution 2021- _____ Agreement 2021- _____ Ordinance _____ Vote: Ayes: Noes: Abstain: Absent: <input type="checkbox"/> By Consensus
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COMMENTS:

CLERK TO THE BOARD

DATE

Gov. Newsom Extends Remote Government Meetings



Gov. Newsom Extends Remote Government Meetings

- Sep 18, 2021
- By: Margaret E. Long

On September 16, 2021, Governor Newsom signed [AB 361](#) into law. The stated aim of AB 361 is “to improve and enhance public access to local agency meetings during the COVID-19 pandemic and future applicable emergencies, by allowing broader access through teleconferencing options” consistent with Executive Order N-29-20. This urgency bill became effective immediately upon the Governor’s signature, and amends the Brown Act to allow governing bodies to hold remote meetings during a proclaimed state of emergency without following the Brown Act’s teleconferencing rules. Governor Newsom’s Executive Order to allow teleconferenced meetings during the COVID-19 pandemic expires on September 30, 2021.

AB 361 provides that governing bodies do not need to follow the Brown Act’s teleconferencing rules if it makes a finding that:

- There is a proclaimed state of emergency **and** either state or local officials have imposed or recommended social distancing measures **or**
- Meeting in person would present imminent risks to the health or safety of attendees.

If the governing body chooses to continue using the provisions of AB 361, the governing body must reconsider and make these findings **every 30 days**.

If governing bodies utilize the remote meeting option provided in AB 361, they must also adhere to the following requirements:

- Give notice of meetings and post agendas as otherwise required by the Brown Act.
- Provide members of the public virtual access to the meeting and an opportunity to address the governing body directly through that virtual access;
- Provide notice of the means by which members of the public may access the meeting virtually in any instance in which they give notice of the time for the teleconferenced meeting or post the agenda for the teleconferenced meeting;

- Ensure the agenda identifies and includes an opportunity for all persons to attend the teleconference meeting by a call-in option or internet-based service option;
- Not require comments be submitted in advance (though the legislative body may provide that as an option), and provide the opportunity to comment in real time;
- Stop the meeting if there is a disruption into the call-in option or internet-based service option that results in members of the public being unable to access the meeting; governing bodies may not take action on any agenda items during this disruption of access; and
- Refrain from closing a timed public comment period before the time for the comment period has elapsed. If governing bodies do not use timed public comment periods, they must allow a reasonable time per agenda item for public comment.

The bill includes a sunset on local agencies of January 1, 2024.

Please feel free to contact Prentice Long, PC if you would like assistance in applying AB 361.



Sierra County Health and Human Services

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P.O. Box 1019
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202 Front Street
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Fax (530) 993-6767
Vickie Clark- Director

Public Health
P.O. Box 7
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202 Front Street
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Vickie Clark- Director

Behavioral Health
P.O. Box 265
Loyalton, CA 96118
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Lea Salas- Director
Kathryn Hill- Clinical Director

**Human Services
Satellite Office**
P.O. Box 38
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22 Maiden Lane
(530) 289-3711
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Date: September 30, 2021

To: All Sierra County Boards and Commissions

From: Dr. Celia Sutton-Pado, Health Officer

Subject: Remote Public Meetings

In light of the ongoing public health emergency related to COVID-19 and the high level of community transmission of the virus that causes COVID-19, the Sierra County Public Health Officer recommends that public bodies continue to meet remotely, to the extent possible. Boards and Commissions can utilize the provisions of newly enacted AB 361 to maintain remote meetings under the Ralph M. Brown Act and similar laws.

Among other reasons, the grounds for the remote meeting recommendation include:

- The continued threat of COVID-19 to the community. As of September 30, 2021, the case rate remains high and unstable in Sierra County, as well as our neighboring counties that are regularly utilized for our services and goods. Case rate is one metric used under the Centers for Disease Control and Prevention's (CDC) framework for assessing community COVID-19 transmission; and,
- The unique characteristics of public governmental meetings, including the increased mixing associated with bringing together people from across the community, the need to enable those who are immunocompromised or unvaccinated to be able to safely continue to fully participate in public governmental meetings, and the challenges of ensuring compliance with safety requirements and recommendations at such meetings.

Meetings that cannot feasibly be held virtually should be held outdoors whenever possible, or indoors only in small groups with face coverings, maximal physical distance between participants, use of portable HEPA filter (unless comparable filtration is provided through facility HVAC systems), and shortened meeting times. Indoor meeting mitigation measures should be posted.

This recommendation is based upon current conditions and available protective measures. The Public Health Officer will continue to evaluate this recommendation on an ongoing basis and will communicate when there is no longer such a recommendation with respect to meetings for public bodies.

BOARD OF SUPERVISORS, COUNTY OF SIERRA, STATE OF CALIFORNIA

**RESOLUTION OF THE COUNTY OF SIERRA AS A RESULT OF A LOCAL
EMERGENCY AND AUTHORIZING REMOTE TELECONFERENCE MEETINGS OF
THE LEGISLATIVE BODIES OF SIERRA COUNTY PURSUANT TO
BROWN ACT PROVISIONS**

RESOLUTION NO. 2021-

WHEREAS, the County of Sierra is committed to preserving and nurturing public access and participation in meetings of the Board of Supervisors; and

WHEREAS, the Brown Act, Government Code section 54953(e), makes provisions for remote teleconferencing participation in meetings by members of a legislative body, without compliance with the requirements of Government Code section 54953(b)(3), subject to the existence of certain conditions; and

WHEREAS, a required condition is that a state of emergency is declared by the Governor pursuant to Government Code section 8625, proclaiming the existence of conditions of disaster or of extreme peril to the safety of persons and property within the state caused by conditions as described in Government Code section 8558; and

WHEREAS, on March 4, 2020, the Governor proclaimed pursuant to his authority under the California Emergency Services Act, California Government Code section 8625, that a state of emergency exists with regard to a novel coronavirus (a disease now known as COVID-19); and

WHEREAS, on June 4, 2021, the Governor clarified that the “reopening” of California on June 15, 2021 did not include any change to the proclaimed state of emergency or the powers exercised thereunder; and

WHEREAS, as of the date of this Resolution, neither the Governor nor the Legislature have exercised their respective powers pursuant to California Government Code section 8629 to lift the state of emergency either by proclamation or by concurrent resolution in the state Legislature; and

WHEREAS, the continued local rates of transmission of the virus and variants causing COVID-19 are such that meeting in person would present imminent risks to the health or safety of attendees of public meetings;

NOW, THEREFORE, THE COUNTY OF SIERRA HEREBY RESOLVE AS FOLLOWS:

Section 1. Recitals. The Recitals set forth above are true and correct and are incorporated into this Resolution by this reference.

Section 2. Proclamation of Local Emergency. The Board hereby proclaims that a local emergency now exists throughout the County, and social distancing orders are currently in place and needed to protect the health and safety of the citizens.

Section 3. Remote Teleconference Meetings. The staff and legislative bodies of Sierra County are hereby authorized and directed to take all actions necessary to carry out the intent and purpose of this Resolution including, conducting open and public meetings in accordance with Government Code section 54953(e) and other applicable provisions of the Brown Act.

Section 4. Effective Date of Resolution. This Resolution shall take effect immediately upon its adoption and shall be effective until the earlier of thirty (30) days from adoption of the Resolution or such time the Board of Supervisors adopts a subsequent Resolution in accordance with Government Code section 54953(e)(3) to extend the time during which the legislative bodies of the County of Sierra may continue to teleconference without compliance with paragraph (3) of subdivision (b) of section 54953.

PASSED AND ADOPTED this 5th day of October 2021, by the Board of Supervisors of the County of Sierra by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Lee Adams, Chair, Board of Supervisors

ATTEST:

Heather Foster, Clerk of the Board

APPROVED AS TO FORM:

David Prentice, County Counsel