



**Contra  
Costa  
County**

To: Board of Supervisors  
From: Mary Ann Mason, County Counsel  
Date: October 5, 2021

Subject: Authorizing Teleconference Meetings (AB 361, Government Code § 54953(e))

**RECOMMENDATION(S):**

1. CONSIDER adopting Resolution 2021/327 to authorize the Board, in all its capacities, its subcommittees, and its advisory bodies to conduct teleconference meetings under Government Code section 54953 (e) and make related findings;
2. DETERMINE that these bodies will hold virtual meetings for the next 30 days; and
3. CONSIDER directing the Planning Commission, Merit Board, and Assessment Appeals Board to consider implementing Government Code section 54953 (e) at their next meeting DIRECT the County Administrator/Clerk of the Board and staff to the various advisory bodies to take actions as needed to implement the intent and DIRECT the County Administrator/Clerk of the Board to return this matter to the Board within 30 days for reconsideration as to all bodies covered by the resolution.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY  
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

Action of Board On: **10/05/2021** ☒ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

**VOTE OF SUPERVISORS**

AYE: John Gioia, District I Supervisor  
Candace Andersen, District II  
Supervisor  
Diane Burgis, District III Supervisor  
Karen Mitchoff, District IV Supervisor  
Federal D. Glover, District V Supervisor

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: October 5, 2021

Monica Nino, County Administrator and Clerk of the  
Board of Supervisors

Contact: Mary Ann McNett Mason,  
County Counsel, (925) 655-2200

By: June McHuen, Deputy

## FISCAL IMPACT:

This is an administrative action with no direct fiscal impact.

## BACKGROUND:

When the COVID-19 pandemic began, Governor Newsom issued an executive order that allowed local agencies to meet remotely without complying with all teleconferencing requirements of the Brown Act. Executive Order N-29-20 suspended certain non-emergency teleconferencing rules, including the requirements that each teleconference location be listed on the agenda and be physically accessible to the public during the meeting and that the public must be given an opportunity to comment at each teleconference location. Since March 2020, the Board of Supervisors and its advisory bodies met virtually, as authorized by Executive Orders N-29-20, N-35-20, N-08-21 and N-15-21. This authority expired September 30, 2021.

New legislation known as Assembly Bill 361, amended the teleconferencing provision of the Brown Act, Government Code section 54953. Effective October 1, 2021, section 54953, subsection (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.

When a legislative body uses the emergency teleconferencing provisions under section 54953 (e), the following rules apply:

- The 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.
- The agenda must state how members of the public can access the meeting and provide public comment.
- The agenda must include an option for all persons to attend via a call-in or internet-based service option.
- The body must conduct the meeting in a manner that protects the constitutional and statutory rights of the public.
- If there is a disruption in the public broadcast of the meeting or of the call-in or internet-based meeting service, the legislative body must stop the meeting and take no further action on agenda items until public access and 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.
- The body 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.

- If the body provides a timed period for all public comment on an item, it may not close that period before the time has elapsed.
- The body must reconsider the circumstances of the state of emergency and the findings in support of emergency teleconference meetings every 30 days
- AB 361 sunsets on January 1, 2024.

A Board resolution authorizing teleconferencing under section 54953 (e) is attached. It would determine that the State has declared a state of emergency related to COVID-19 and find that social distancing recommendations are in place and that there is an imminent risk of harm to the public, staff and officials if live meetings are conducted. If adopted, for the next 30 days the resolution would require the Board of Supervisors, in all its capacities, its subcommittees, and all of the board-governed advisory bodies (unless otherwise noted) to hold teleconference meetings consistent with the above described rules. Resolution 2021/327 would direct the County Planning Commission, the Merit Board, and the Assessment Appeals Board to consider implementing teleconferencing under section 54953 (e) at their next meeting.

If the Board wishes to continue teleconferencing under section 54953 (e), every 30 days after adopting resolution 2021/327 the Board must reconsider the circumstances of the state of emergency and find that one or both of the following circumstances exists: the state declared emergency continues to directly impact the ability of members to safely meet in person, or state or local officials continue to impose or recommend measures to promote social distancing. If the state declared emergency no longer exists, or if the Board does not make these findings by majority vote, then it and its committees and advisory bodies will no longer be exempt from the Brown Act's non-emergency teleconferencing rules. The attached resolution directs the County Administrator to return no later than 30 days after the resolution is adopted with an item for the Board to consider whether to continue meeting under the provisions of Government Code section 54953 (e).

#### CONSEQUENCE OF NEGATIVE ACTION:

The Board, in all its capacities, its committees, and its advisory bodies would not conduct teleconference meetings under the provisions of Government Code section 54953 (e), added by Assembly Bill 361, commencing October 5.

#### CLERK'S ADDENDUM

**Speakers: Nicole; Cheryl Grover; Kristin Hendersen; Marilyn; Cora; Marianna Moore; David Rowgli.**

#### ATTACHMENTS

Resolution 2021/327