



**Contra
Costa
County**

To: Board of Supervisors
From: Thomas L. Geiger, Chief Assistant County Counsel
Date: February 7, 2023

Subject: Teleconference Meetings Under the Brown Act

RECOMMENDATION(S):

1. FIND that the Board of Supervisors has reconsidered the circumstances of the Statewide state of emergency proclaimed by the Governor on March 4, 2020, and that the County Health Officer's recommendations for safely holding public meetings, which recommend virtual meetings and other measures to promote social distancing, are still in effect.
2. AUTHORIZE the Board of Supervisors, in its capacity as the governing board of the County, the Contra Costa County Fire Protection District, the Housing Authority of the County of Contra Costa, the Contra Costa County Flood Control and Water Conservation District, and the Contra Costa County In-Home Supportive Services Public Authority, and its subcommittees, to continue teleconference meetings under Government Code section 54953(e) through February 28, 2023.
3. AUTHORIZE all County advisory boards, committees, and commissions to continue teleconference meetings under Government Code section 54953(e) through February 28, 2023.
4. REQUIRE any County advisory boards, commissions, and committees that hold

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **02/07/2023** ☒ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

Contact: Thomas L. Geiger, Chief
Assistant County Counsel, (925)
655-2200

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: February 7, 2023

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

By: , Deputy

cc: Thomas L. Geiger, Chief Assistant County Counsel, Monica Nino, Clerk of the Board of Supervisors

in-person meetings before March 1, 2023, to conduct these meetings in a “hybrid” format that allows members of the Countywide body, staff, and members of the public to access the meetings both

RECOMMENDATION(S): (CONT'D)

remotely and in person.

5. RECEIVE an update on teleconference meeting procedures that begin March 1, 2023.

6. PROVIDE direction to staff on conducting meetings of County boards, commissions, and committees in accordance with all applicable provisions of the Brown Act, including holding hybrid meetings that allow the public to attend meetings remotely and in person.

FISCAL IMPACT:

This is an administrative action with no direct fiscal impact.

BACKGROUND:

On October 5, 2021, the Board adopted Resolution No. 2021/327, which authorized the Board, in all its capacities, and certain subcommittees and advisory bodies, to conduct teleconferencing meetings under Government Code section 54953(e). This section of the Brown Act, which was added by Assembly Bill 361, allows a local agency to use special teleconferencing rules during a State declared state of emergency. When a legislative body uses the emergency teleconferencing provisions under Government code 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 public's ability to comment virtually for reasons within the body's control, the legislative body must stop the meeting and take no further action on agenda items until public access and/or 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.

Under Government Code section 54953(e), if the local agency wishes to continue using these special teleconferencing rules after adopting an initial resolution, the legislative

body must reconsider the circumstances of the state of emergency every 30 days and make certain findings. The agency must find that the Statewide state of emergency continues to exist and that state or local officials continue to impose or recommend measures to promote social distancing.

The Board last considered these matters on January 10, 2023, made the required findings and authorized continued use of special teleconferencing rules. The Board can again find that the Statewide state of emergency continues to exist and that the County Health Officer's recommendations for safely holding public meetings, which recommend virtual meetings and other measures to promote social distancing, are still in effect.

The Statewide state of emergency ends on February 28, 2023. Once the state of emergency ends, Board members may participate in meetings remotely under new Brown Act teleconferencing rules that allow Board members to attend remotely for limited reasons and a limited number of times per year. Board members may also participate in meetings remotely under the traditional Brown Act teleconference option. In addition to applying to the Board of Supervisors, the new teleconferencing rules and the traditional teleconferencing option apply to all County boards, commissions, and committees that are subject to the Brown Act. A memo describing the new teleconferencing rules and the traditional teleconferencing option is attached to this Board order.

CONSEQUENCE OF NEGATIVE ACTION:

The Board, in all its capacities, and its subcommittees and advisory bodies, would not be authorized to conduct teleconferencing meetings under Government Code section 54953(e) through February 28, 2023.

CLERK'S ADDENDUM

Speakers: Name Not Given; Renee, Chair, Economic Opportunity Council; Stephanie; No Name Given.

ADOPTED the recommendations as presented; and DIRECTED the County Administrator's Office to work with the Clerk of the Board's office to identify additional common meeting locations for county commissions to hold hybrid meetings including the libraries.

ATTACHMENTS

Attachment A - Health Officer's Recommendations

Attachment B - Memo Re: Teleconferencing Options Under the Brown Act for Members of County Boards, Commissions, and Committees