

VENTURA COUNTY CONSOLIDATED OVERSIGHT BOARD

April 27, 2022

Ventura County Consolidated Oversight Board
County of Ventura
800 S. Victoria Avenue
Ventura, California 93009

SUBJECT: Adoption of a Resolution Authorizing Remote Teleconference Meetings of the Board for a 30-Day Period Pursuant to Government Code Section 54953, Subdivision (e), of the Ralph M. Brown Act and Adopting By Reference Future Resolutions of the Ventura County Board Of Supervisors Re-Authorizing Remote Teleconference Meetings for a 30-Day Period Pursuant to Government Code Section 54953, Subdivision (e), of the Ralph M. Brown Act

RECOMMENDATION:

It is recommended that your Board consider adoption of a resolution authorizing remote teleconference meetings of the Board for a 30-day period pursuant to Government Code section 54953, subdivision (e), of the Ralph M. Brown Act (Brown Act) and adopting by reference future resolutions of the Ventura County Board of Supervisors re-authorizing remote teleconference meetings for a 30-day period pursuant to Government Code section 54953, subdivision (e), of the Ralph M. Brown Act.

IMPACT ON TAXING ENTITIES:

None.

DISCUSSION:

On September 16, 2021, the Governor signed into law AB 361 which allows legislative bodies to continue to use teleconferencing for public meetings during a proclaimed state of emergency under certain conditions. AB 361 amends meeting requirements under the Brown Act and applies to all legislative bodies subject to the Brown Act, including your Board. Under the Brown Act, "teleconference" means a meeting of a legislative body where the members of the legislative body are participating in different locations, connected by electronic means, through either audio or video, or both. Prior to passage of AB 361, local legislative bodies were allowed to have fully teleconferenced, virtual remote meetings during the COVID-19 pandemic pursuant to executive orders issued by the Governor. Under AB 361, legislative bodies may continue to use teleconferencing to

meet virtually without a physical location if one of the following subsections of Government Code section 54953(e)(1) is satisfied:

- (A) The legislative body holds a meeting during a proclaimed state of emergency, and state or local officials have imposed or recommended measures to promote social distancing;
- (B) The legislative body holds a meeting during a proclaimed state of emergency for the purpose of determining, by majority vote, whether as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees; or
- (C) The legislative body 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.

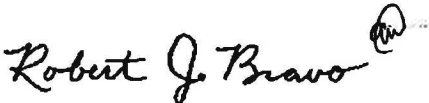
In this context, "state of emergency" means a state of emergency proclaimed pursuant to section 8625 of the California Emergency Services Act. This section only applies to proclamations of a state of emergency made by the Governor. Government Code section 8558 expressly defines an epidemic as among the grounds upon which the Governor is authorized to proclaim a state of emergency.

On March 4, 2020, the Governor issued a Proclamation of State of Emergency in response to the COVID-19 pandemic, which remains in effect to date. On September 21, 2021, Dr. Robert Levin, the Ventura County Health Officer, issued a recommendation regarding social distancing and continued remote meetings of legislative bodies. On November 15, 2021, Dr. Levin issued an updated recommendation regarding social distancing and continued remote meetings of legislative bodies, which remains in effect (a copy of Dr. Levin's November 15, 2021, recommendation is attached as Exhibit 2). Therefore, the requirements of Government Code section 54953, subdivision (e)(1)(A) are met and your Board may continue to meet virtually pursuant to AB 361.

Given that your Board meets infrequently and only on an as-needed basis (with the exception of its annual meeting in late January to approve the Recognized Obligation Payment Schedules of the successor agencies), the proposed resolution (Exhibit 1) provides that because the territorial jurisdiction of your Board is identical to that of the Ventura County Board of Supervisors, your Board considers it appropriate to adopt by reference future resolutions of the Ventura County Board of Supervisors re-authorizing remote teleconference meetings pursuant to Government Code section 54953, subdivision (e). The proposed resolution shall take effect immediately upon its adoption and shall remain in effect until your Board adopts a subsequent resolution in accordance with Government Code section 54953, subdivision (e)(3). Your Board shall also reconsider the circumstances of the State of Emergency at each of its subsequent meetings.

If you have any questions, please feel free to contact me at (805) 662-6868.

Sincerely,

A handwritten signature in black ink that reads "Robert J. Bravo". The signature is written in a cursive style with a small circular flourish at the end.

Robert Bravo
VCCOB Administrator

Attachments:

- Exhibit 1 – Resolution Authorizing Remote Teleconference Meetings for a 30-Day Period Pursuant to Government Code Section 54953, subdivision (e), and Adopting By Reference Future Resolutions of the Ventura County Board of Supervisors Re-Authorizing Remote Teleconference Meetings
- Exhibit 2 – November 15, 2021, Ventura County Health Officer Recommendation Regarding Social Distancing and Continued Remote Meetings of Legislative Bodies