



July 26, 2022

Board of Supervisors
County of Ventura
800 South Victoria Avenue
Ventura, California 93009

Subject: Consider Adoption Of A Resolution Authorizing Remote Teleconference Meetings Of The Board Of Supervisors Pursuant To Government Code Section 54953, Subdivision (e), Of The Ralph M. Brown Act

Recommendation:

Consider adoption of a resolution authorizing remote teleconference meetings of the Board of Supervisors pursuant to Government Code Section 54953, Subdivision (e), of the Ralph M. Brown Act (Brown Act).

Discussion:

On October 19, 2021, November 16, 2021, December 14, 2021, January 11, 2022, February 8, 2022, March 8, 2022, April 26, 2022, May 24, 2022, and June 21, 2022 your Board considered and adopted resolutions to continue remote teleconference meetings to promote health and safety of attendees in accordance with Government Code section 54953(e). In the time that has elapsed since the June 21, 2022, meeting, COVID hospitalization rates have continued to increase with corresponding increases in case and positivity rates in the County. Public Health continues to monitor conditions and masks are strongly recommended to be worn indoors by the California Department of Public Health. The public health situation remains stable, and the Centers for Disease Control and Prevention ("CDC") indicate that the community transmission level has increased to "high" in Ventura County, the CDC also explains that "some people and communities, such as our oldest citizens, people who are immunocompromised, and people with disabilities, are at higher risk for serious illness and face challenging decisions navigating a world with COVID-19." Pursuant to the requirements of the Brown Act enacted with the

passing of AB 361, your Board must consider the attached resolution and findings (exhibit 1) to authorize continued remote teleconference meetings of the Board of Supervisors for the next thirty days since the Governor's Proclamation of State of Emergency and Dr. Levin's recommendation remain in place.

Background

On September 16, 2021, Governor Gavin Newsom signed into law Assembly Bill 361 (AB 361) whereby local agencies may continue to use teleconferencing for public meetings of their legislative bodies during a proclaimed state of emergency. AB 361 amends the provisions of the Brown Act regarding meetings of local government agencies and applies to all County boards, committees, and commissions that are subject to the Brown Act. 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 the Governor's Executive Orders. Under AB 361, local agencies may continue to use teleconferencing to meet virtually without a physical location if one of the following conditions in 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.
- (C) The legislative body holds a meeting during a proclaimed state of emergency and has determined, by majority vote, pursuant to subparagraph (B), 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 the Governor's declaration of a state of emergency. AB 361 does not allow for remote meetings when the County has declared a local emergency, in the absence of a "state of emergency" as defined in the Government Code. A pandemic (epidemic) is a valid ground for declaration of a state of emergency by the Governor under Government Code sections 8625 and 8558.

On March 4, 2020, the Governor issued a Proclamation of State of Emergency in response to the COVID-19 pandemic. Dr. Robert Levin, Ventura County Health Officer (Dr. Levin), issued a recommendation regarding social distancing and continued remote meetings of legislative bodies on September 21, 2021 which he reviewed and updated on November 15, 2021. A copy of Dr. Levin's recommendation from November 15, 2021, is attached as exhibit 2. Therefore, condition (A) listed above is satisfied consistent with Government Code section 54953, subdivision (e)(1)(A), and legislative bodies may continue to meet virtually pursuant to AB 361.

If a state of emergency remains active and state or local officials have imposed or recommended measures to promote social distancing, the legislative body must reconsider the circumstances of the state of emergency and make any of the following findings by majority vote every 30 days to continue to meet remotely under Government Code section 54953, subdivision (e)(3):

1. The state of emergency continues to directly impact the ability of the members to meet safely in person.
2. State or local officials continue to impose or recommend measures to promote social distancing.

Given the favorable improvements in local health conditions your Board provided direction at your March 8, 2022 meeting to resume in-person/hybrid meetings where your Board, members of the public and staff could choose to attend either in-person or remotely to support individual health/safety choices. Like many other facilities throughout the County, the Board Chambers were not designed to ensure that attendees can remain six feet apart to reduce the possibility of infection with viruses that cause COVID-19. Further, Board meetings often attract significant attendance with community members and staff in close proximity for long periods of time, with some of those individuals or their families at a higher risk for serious illness from COVID. Such risks are reduced significantly by providing both an in-person and remote ability to participate in the meetings. This allows those at potentially higher risk an ability to still fully participate in local government while also potentially reducing the number of people that must participate in a meeting in person. Adoption of this resolution provides continued support for these individual choices. If this resolution authorizing remote teleconferencing is not continued and any Board members wish to continue attending from a remote location, a notice of public hearing would need to be posted at each remote location and members of the public would need to have the ability to attend in-person at any such remote location to participate in the meeting.

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This item has been reviewed by the County Counsel's Office, Auditor Controller and the County Executive Office. If you have any questions regarding this item, please contact Mike Pettit at 654-2864 or me at 654-2681.

Sincerely,

A handwritten signature in blue ink that reads "Sevet Johnson". The signature is written in a cursive, flowing style.

Sevet Johnson, PsyD
Interim County Executive Officer

Exhibit 1 – Resolution Authorizing Remote Teleconference Meetings of the Board of Supervisors

Exhibit 2 – Letter from Dr. Levin regarding social distancing and continued remote meetings