



NAPA VALLEY TRANSPORTATION AUTHORITY

Technical Advisory Committee Agenda Memo

TO: Technical Advisory Committee
FROM: Kate Miller, Executive Director
REPORT BY: Danielle Schmitz
(707) 259-5968 / Email: dschmitz@nvta.ca.gov
SUBJECT: AB 361 Requirements for Remote Public Meetings

RECOMMENDATION

That the TAC review the AB 361 requirements for remote public meetings, the current state emergency or local order(s), determine if the emergency situations continue to exist that warrant relaxed remote meeting requirements and approve holding the next TAC meeting via teleconference.

FISCAL IMPACT

Is there a Fiscal Impact? No

BACKGROUND

Executive Order N-08-21 issued by Governor Newsom in March 2020 allowed legislative bodies to hold meetings via teleconference and make meetings accessible electronically through September 30, 2021, without violating the Brown Act. Effective October 1, 2021, AB 361 will allow local legislative bodies to continue to allow remote meetings during a proclaimed state of emergency, if state or local officials have imposed or recommended measures that warrant holding meetings remotely.

On September 27, 2021 the Napa County Executive Officer and Public Health Officer issued a recommendation that this practice be permitted by all public boards and commissions that wish to continue meeting remotely, in whole or in part, in order to help minimize the spread and transmission of COVID-19.

NVTA's legal counsel provided NVTA with a list of requirements for holding remote meetings under AB 361 and recommendations to meet the requirements. They include:

- That the legislative body confirms every 30 days, or each time it meets, that emergency situation(s) continue to exist warranting relaxed remote meeting requirements.
- Agencies cannot require that written comments be submitted in advance of a meeting, agencies may only close the comment period at the same time it is closed during the meeting.
- The public must be given an opportunity to comment directly during the meeting and public comment periods. There must be a live time, call in or internet based public comment option.
- In the event of a disruption in broadcasting the meeting, the legislative body shall take no further action until meeting access is restored to the public.

Additionally, the following Brown Act teleconference meeting rules that were relaxed due to the COVID-19 Emergency Executive Orders have been continued under AB 361 (Government Code Section 54593):

- The requirement to identify on the agenda each teleconference location for each member of the Board participating in the meeting by teleconference has been waived;
- The requirement that each teleconference location be accessible to the public has been waived ;
- The requirement that members of the public be able to address the Board at each teleconference location has been waived;
- The requirement that local agencies post agendas at all teleconference locations has been waived;
- The requirement that at least a quorum of the Board participate from locations within the boundaries of the territory over which they exercise jurisdiction has been waived; and,
- The requirement that there must be a physical meeting location open to the public to attend the meeting and comment during the meeting has been waived.

ATTACHMENT(S)

September 27, 2021 County of Napa Memorandum



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A Commitment to Service

County Executive Office

1195 Third Street
Suite 310
Napa, CA 94559
www.countyofnapa.org

Main: (707) 253-4421
Fax: (707) 253-4176

Minh C. Tran
County Executive Officer

MEMORANDUM

To: Board of Supervisors Other Boards and Commissions	From: Minh C. Tran, County Executive Officer Karen Relucio, M.D., Public Health Officer
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Date: September 27, 2021	Re: Recommendation for Continued Remote Attendance at Brown Act Meetings
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Executive Order N-08-21 issued by Governor Newsom allows legislative bodies to hold meetings via teleconference and make meetings accessible electronically through September 30, 2021, without violating the Brown Act. Effective, October 1, 2021, AB 361 will allow local legislative bodies to continue to allow remote meetings during a proclaimed state of emergency, if “state or local officials have imposed or recommended measures to promote social distancing.”

Because the State of California has continued to permit remote attendance at boards and commission meetings, the Napa County Executive Officer and Public Health Officer jointly recommend that this practice be permitted by all boards and commissions that may prefer to continue meeting remotely, in whole or in part, in order to help minimize the spread and transmission of COVID-19. According to 8 CCR 3205(c)(5)(D) of the Cal/OSHA regulations, “the fact that particles containing the virus can travel more than six feet, especially indoors, so physical distancing, face coverings, increased ventilation indoors, and respiratory protection decrease the spread of COVID-19 but are most effective when used in combination.”