



Continuation of Virtual Meetings Under AB 361 and Transition to In Person Meetings

October 5, 2021



Pre-COVID Brown Act Requirements

- Teleconferencing Allowed
 - Quorum of the Board must be Located within the District's Jurisdiction
 - Must List all Teleconferencing Addresses on the Agenda
 - Must Post and Allow Public Participation at all Teleconferencing Locations
- Public Participation In-person or from a Listed Teleconferencing Location
- Most Jurisdictions met In-Person with Infrequent Exception
- Virtual Public Participation, not Required but May be Allowed

Executive Orders- Relaxed Brown Act Teleconferencing Requirements- Since March 2020

- N-29-20 (March 2020) and N-08-21 (June 2021)
- Eliminated requirement for holding in-person meetings and relaxed certain teleconferencing requirements
- Expired on September 30, 2021

Assembly Bill 361

- Signed into law as an urgency item effective on September 16th
- Allows local agencies to continue to hold virtual meetings during a proclaimed state of emergency when any of the following also apply:
 - State/local officials impose or recommend social distancing measures
 - The body is holding the meeting to determine if meeting in person would present imminent risks to the health/safety of attendees
 - As a result of the emergency, the body finds that meeting in person would present imminent risks to the health/safety of attendees
- Requires Board to reconsider circumstances of emergency every 30 days

County of Marin

- September 22, 2021- Director of Health & Human Services issued recommendation for continued social distancing & use of virtual meetings
- September 28, 2021- Board of Supervisors adopted resolution pursuant to AB 361 allowing virtual meetings for all County boards and commissions

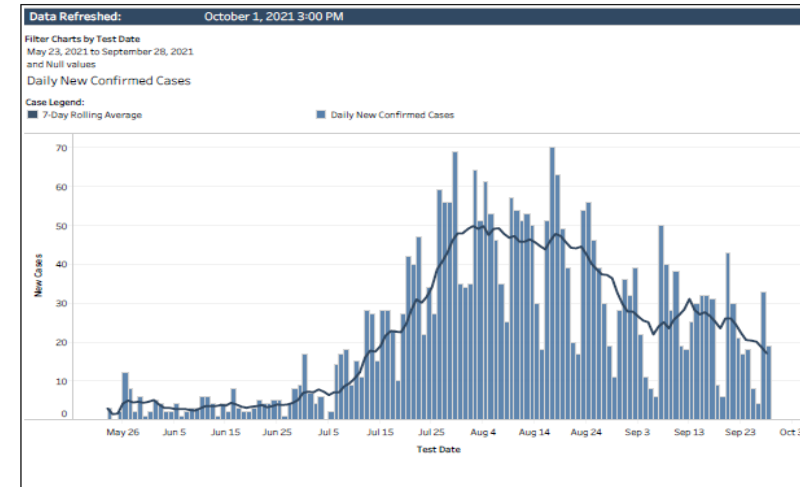
COVID-19 Considerations for In-Person Meetings

Current local case rates

Follow Cal OSHA requirements
and CDC, Department of Health Guidelines

Risk factors for COVID-19 exposure

- Indoor shared spaces
- Not wearing face coverings
- Inability to social distance
- Poor Ventilation



June 16th – Oct. 1st , 2021

Practices to Consider for In-Person Meetings

- Hold meetings at location that provides space to socially distance and acceptable ventilation rates
- Requiring all participants to wear face-coverings at all times
- Restrict the number of people at the meeting to enhance social distancing
- Open doors and window to increase ventilation in Board room
- Wiping down the microphones after every commenter using the podium
- Provide sanitizer, face covering and sufficient hygiene supplies

Other Potential COVID-19 Controls

Addition measures for reducing COVID-19 exposures may include:

- Partitions
- Portable HEPA air filters in rooms with poor ventilation
- Confirming vaccination or testing status and screening for symptoms
- Request participants provide their contact information for contract tracing
- No eating or drinking during the meetings

Virtual Meetings

If the Board determines it prefers to allow the continuation of virtual meetings:

- Continue use of zoom for all Directors, staff and public participation per AB 361
- Reconsider the appropriateness of allowing continuation of virtual meetings every 30 days (November 2nd) until the emergency proclamation is lifted or until January 2024 (AB361 sunsets)

Currently, these agencies will be continuing virtual meetings:

- East Bay Municipal Utility District (EBMUD), Las Gallinas Valley Sanitary District, North Marin Water District, and Central Contra Costa Sanitary District
- Town of Corte Madera and Town of San Anselmo
- City of Sausalito

Considerations for Transition to In Person Meetings

- As COVID-19 cases decline, the Board may want to consider options for returning to in-person meetings.
- Examples of In-Person meetings occurring now:
 - City of Mill Valley - not using any virtual participation
 - Contra Costa Water District – requiring a quorum of the board to be present (if a member participates virtually, must notice and post physical location and allow public access per the Brown Act) Also, the public has the option to participate virtually.

Hybrid Meetings

Are a cross between in-person and virtual meetings.

Limit the number of people physically present at the meetings as members of the staff and the public may participate virtually.

Some of the safety concerns that exist with in-person meetings are also applicable to hybrid meetings

Examples:

- City of Santa Rosa
- City of San Jose

Recommendation

Staff recommends that the Board adopt the proposed resolution to allow continued virtual Board and Committee meetings pursuant to AB361 in accordance with the recommendation of the Director of the Marin County Department of Health & Human Services to continue social distancing