

American River Flood Control District

Return to In-Person Meetings

Staff Report

Discussion:

To respond to the need for public board's to meeting during the COVID-19 pandemic, the Governor's Executive Order N-08-21 suspended certain Brown Act teleconference requirements until September 30, 2021.

Starting October 1, 2021, the normal teleconferencing requirements of the Brown Act will apply. That means that any meeting in which one or more Board members desire to participate remotely must be noticed by an agenda that identifies the teleconference locations and makes those locations accessible to the public. Also, the agenda must be posted at those remote locations, and a quorum of the board must still be located within ARFCD's boundaries. This does not necessarily mandate that meetings be held completely in-person, but it does create logistical and planning issues with ensuring the Board members' teleconference locations are properly noticed. For instance, any Trustee who intends to participate from home would have to make their home accessible to the public.

For August and September, ARFCD could choose to stay 100% remote, or do a hybrid meeting in which there is some in-person attendance, with the option of zoom-like remote functions for the Board and the public to attend remotely, without noticing each teleconference location. A hybrid meeting could include pointing a laptop camera at the Board dais to show the Trustees, as long as the public is able to meaningfully participate at the appropriate times. There is also nothing preventing the Board from holding an in-person meeting, now or after September 30, with no remote access given whatsoever. Once N-08-21 expires on October 1, the Board cannot attend remotely without additional location noticing, but the Board could still make a webcast/zoom link available for the public if desired. The critical Brown Act teleconference requirements only apply when a *Board member* is not attending in-person.

There are a few bills moving through the Legislature that pertain to the Brown Act relaxations. AB 361, for instance, would allow local agencies to use relaxed teleconference rules during a declared state of emergency without relying on an executive order. AB 339, would make virtual public access mandatory for cities and counties with at least 250,000 people.

Recommendation:

The General Manager recommends that the Board of Trustees continue web hosted Board meetings until October 2021.