



County of Yolo

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To: The Chair and Members of the Board of Supervisors

Consent-General Government # 6. County Council

Budget Hearing

Meeting Date: 06/14/2022

Brief Title: AB 361 Renewal

From: Philip J. Pogledich, County Counsel

Staff Contact: Philip J. Pogledich, County Counsel, x8172

Subject

Renew authorization for remote (teleconference/videoconference) meetings pursuant to Assembly Bill 361 on the basis that (a) the COVID-19 pandemic state of emergency is ongoing, and (b) meeting in person would present imminent risks to the health or safety of attendees. (No general fund impact) (Pogledich)

Recommended Action

Renew authorization for remote (teleconference/videoconference) meetings pursuant to Assembly Bill 361 on the basis that (a) the COVID-19 pandemic state of emergency is ongoing, and (b) meeting in person would present imminent risks to the health or safety of attendees.

Strategic Plan Goal(s)

Not applicable, as this is an administrative action only.

Reason for Recommended Action/Background

AB361 Findings

The recommended action is required by Assembly Bill 361 to continue meeting remotely during a declared state of emergency. The Board has been meeting remotely pursuant to AB 361 since September 28, 2021. Most supervisors returned to meeting in-person on May 23, 2022 with various measures to minimize in-person attendance by County staff and provide options for continued public participation by ZOOM. Renewing the AB 361 findings is nonetheless appropriate and, if adopted, the findings will allow Board members to continue to participate remotely if needed or desired.

AB 361 amended the Brown Act to add simplified procedures that make it easier to hold remote meetings during a state of emergency proclaimed by the Governor (a local emergency is insufficient). See Gov. Code § 54953(e). To meet remotely during a proclaimed emergency, the legislative body must find either of the following circumstances is present: (a) state or local officials continue to impose or recommend measures to promote social distancing; or (b) as a result of the declared emergency, the legislative body finds by majority vote that meeting in person would present imminent risks to the health or safety of attendees.

Through March 2022, the Board relied on social distancing recommendations of the County Health Officer in adopting AB 361 findings. Like many other county health officers, however, Dr. Sisson is no longer recommending social distancing and the Board must therefore consider the "imminent risks" finding to continue meeting remotely. A resolution adopted by the Board on April 12, 2022 included facts and conclusions sufficient to support such a finding, such as:

- 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 the virus that causes COVID-19;
- Prior to the COVID-19 pandemic, Board meetings would often attract significant attendance and

community members and staff would be in close proximity (seated or standing immediately next to one another) for up to eight hours; and

- Holding in-person meetings would encourage community members to come to County facilities to participate in local government, and some of them are likely to be at high risk for serious illness from COVID-19 and/or live with someone who is at high risk.

All of these facts remain applicable presently, and the local case rate has increased significantly since adoption of the resolution on April 12. Altogether, staff believe the Board can appropriately make the findings necessary to allow continued implementation of AB 361.

Finally, continuing to authorize remote meetings pursuant to AB 361 does not require the Board to meet remotely--it merely allows one or Board members to do so as necessary or convenient. Staff anticipate that going forward, most or all Board members and essential staff will attend meetings in-person, and other staff and members of the public will likely choose to participate remotely for the sake of convenience. Staff will also take reasonable precautions in the Board Chambers including:

- Physical distancing - in a hybrid format staff would set up the Board Chambers to have physical distancing where at least every other seat for the public is out of service to ensure distance between attendees.
- Air Filtration -- Staff have added HEPA filtration to the Board Chambers to ensure filtration of air to remove viral particles

As a reminder, the County has a vaccination policy and over 90% of County staff is vaccinated.

Collaborations (including Board advisory groups and external partner agencies)
County Administrator, County Health Officer.

Fiscal Information

No Fiscal Impact

Fiscal Impact of this Expenditure

Total cost of recommended action

Amount budgeted for expenditure

Additional expenditure authority needed \$0

On-going commitment (annual cost)

Source of Funds for this Expenditure

General Fund \$0

Attachments

No file(s) attached.

Form Review

Inbox

Phil Pogledich

Joanne Van Hoosear

Form Started By: Phil Pogledich

Final Approval Date: 06/06/2022

Reviewed By

Phil Pogledich

Joanne Van Hoosear

Date

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