

Resolution for Remote Attendance at Meetings Pursuant to AB 361

WHEREAS, meetings of the K/T AAA Governing Board are governed by the provisions of California’s open meetings law known as the Ralph M. Brown Act, found at Government Code section 54950, *et seq.* (the “Brown Act”); and

WHEREAS, for many years the Brown Act has allowed local legislative bodies such as ours to conduct their meetings, at least in part, through the use of teleconferencing for the benefit of the public and the legislative body in connection with any meeting or proceeding authorized by law; and

WHEREAS, as a condition of using teleconferencing in part or in whole for meetings of local legislative bodies, the Brown Act requires that such meeting agendas disclose the precise locations from which teleconferencing will occur, that notices and agendas of the teleconferencing meetings be posted at all of those locations, and that all of the locations be freely accessible by members of the general public during the meetings; and

WHEREAS, as part of his response to the COVID-19 pandemic, in March 2020 Governor Newsom issued his Executive Order N-29-20 suspending said posting, noticing, and public access conditions for teleconferencing in order to allow local legislative bodies to carry out their important work while promoting social distancing and combatting the spread of COVID-19; and

WHEREAS, on November 2, 2021, the Tulare County Board of Supervisors adopted resolution number 2021-0871 promoting social distancing as a means to reduce the risk of COVID-19 transmission; and

WHEREAS, Executive Order N-29-20 expired on September 30, 2021; and

WHEREAS, the newly-enacted AB 361 allows local legislative bodies to continue meeting remotely to the extent possible upon making certain findings; and

WHEREAS, a state of emergency, declared by the Governor pursuant to Government Code section 8625, remains in effect in the State of California due to the continued effects of the COVID-19 pandemic; and

WHEREAS, this Governing Board wishes to allow its members to continue to have the option to participate in its governing board meetings remotely through the use of the teleconferencing provisions of AB 361.

NOW, THEREFORE, the Governing Board of the Kings/Tulare Area Agency on Aging hereby finds and declares the following,

1. The above-listed recitals are adopted as being true and correct.
2. COVID-19 continues to threaten our community. The unique characteristics of public governmental meetings (such as the increased mixing associated with bringing together people from across the community, the need to enable those who are immunocompromised or unvaccinated to be

able to safely continue to fully participate in public governmental meetings, and the challenges with fully ascertaining and ensuring compliance with vaccination and other safety recommendations at such meetings), and the continued increased safety protection that social distancing provides is one means by which to reduce the risk of COVID-19 transmission.

3. Relaxing the requirements for remote meeting attendance by Governing Board members through teleconferencing will promote social distancing and allow potential governing board meeting attendees to maintain the privacy of their vaccination status, which will reduce the health and safety risk inherent in personal attendance at public meetings.

4. Based on these findings and pursuant to Government Code section 54953 (e)(1)(A), members of the Governing Board may use teleconferencing for meeting attendance without complying with the provisions of Government Code section 54953 (b)(3), so long as the requirements of AB 361 and this Resolution are met.

5. Pursuant to Government Code section 54953(e)(2), if meetings of this Governing Board allow for remote participation by members through teleconferencing as described above, then all of the following shall apply to such meetings:

- (A) The Governing Board shall give notice of the meeting and post agendas as otherwise required by the Brown Act.
- (B) The Governing Board shall allow members of the public to access the meeting and the agenda shall provide an opportunity for members of the public to address the Governing Board directly pursuant to Government Code section 54954.3. In each instance in which notice of the time of the teleconferenced meeting is otherwise given or the agenda for the meeting is otherwise posted, the Governing Board shall also give notice of the means by which members of the public may access the meeting and offer public comment. The agenda shall identify and include an opportunity for all persons to attend via a call-in option or an internet-based service option. This subparagraph shall not be construed to require the Governing Board to provide a physical location from which the public may attend or comment.
- (C) The Governing Board shall conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the parties and the public appearing before the Governing Board.
- (D) In the event of a disruption which prevents the Governing Board from broadcasting the meeting to members of the public using the call-in option or internet-based service option, or in the event of a disruption within the Governing Board 's control which prevents members of the public from offering public comments using the call-in option or internet-based service option, the Governing Board shall take no further action on items appearing on the meeting agenda until public access to the meeting via the call-in option or internet-based service option is restored. Actions taken on agenda items during a disruption which prevents the Governing Board from broadcasting the meeting may be challenged pursuant to Government Code section 54960.1.

- (E) The Governing Board shall not require public comments to be submitted in advance of the meeting and must provide an opportunity for the public to address the Governing Board and offer comment in real time. This subparagraph shall not be construed to require the Governing Board to provide a physical location from which the public may attend or comment.
- (F) Notwithstanding Government Code section 54953.3, an individual desiring to provide public comment through the use of an internet website, or other online platform, not under the control of the Governing Board, that requires registration to log in to a teleconference may be required to register as required by the third-party internet website or online platform to participate.
- (G) (i) If the Governing Board provides a timed public comment period for each agenda item, then it shall not close the public comment period for the agenda item, or the opportunity to register, pursuant to subparagraph (F), to provide public comment until that timed public comment period has elapsed.

(ii) If the Governing Board does not provide a timed public comment period, but takes public comment separately on each agenda item, then it shall allow a reasonable amount of time per agenda item to allow public members the opportunity to provide public comment, including time for members of the public to register pursuant to subparagraph (F), or otherwise be recognized for the purpose of providing public comment.

(iii) If the Governing Board provides a timed general public comment period that does not correspond to a specific agenda item, then it shall not close the public comment period or the opportunity to register, pursuant to subparagraph (F), until the timed general public comment period has elapsed.

6. If a state of emergency remains active, then in order to continue to teleconference without compliance with Government Code section 54953 (b)(3), this Governing Board shall, not later than 30 days after teleconferencing for the first time pursuant to this Resolution, and every 30 days thereafter, make the following findings by majority vote:

- (A) The legislative body has reconsidered the circumstances of the state of emergency.
- (B) Any of the following circumstances exist:
 - (i) The state of emergency continues to directly impact the ability of the members to meet safely in person.
 - (ii) State or local officials continue to impose or recommend measures to promote social distancing.

7. If this Board does not meet within thirty days of this meeting, or any subsequent meeting where these findings are ratified, and a state of emergency pursuant to Government Code section 8625 remains in effect, then the Governing Board will be deemed to have delegated to its Chair the authority to call a meeting pursuant to these provisions, provided that official also places on the agenda of that meeting an item calling for the Governing Board to ratify that action and readopt this Resolution.

8. For purposes of this Resolution, a “state of emergency” means a state of emergency proclaimed pursuant to Section 8625 of the California Emergency Services Act found at Article 1 (commencing with § 8550) of Chapter 7 of Division 1 of Title 2 of the Government Code.

Date: January 24, 2022

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