



FRESNO COUNTY FIRE

PROTECTION DISTRICT

Honor, Integrity, Cooperation & Professionalism

MEMORANDUM

Date: 10/04/2021

To: Board Directors

Attn: John Arabian
President

From: Fire District Staff

Subject: Resolution 2021-06, Implementing Assembly Bill 361

BOARD OF DIRECTOR'S BRIEFING PAPER

ISSUE:

Following the Governor's September 16, 2021 signing of Assembly Bill 361, the District needs to implement the requirements of Assembly Bill 361 if the District desires to continue meeting under the modified Brown Act requirements that were provided for in the Governor's executive orders during 2020.

BACKGROUND:

Starting in March 2020, California Governor Gavin Newsom issued a series of Executive Orders aimed at containing the novel coronavirus. These Executive Orders (N-25-20, N-29-20, N-35-20) collectively modified certain requirements created by the Ralph M. Brown Act ("the Brown Act"), the state's local agency public meetings law.

The orders waived several requirements, including requirements in the Brown Act requiring the physical presence of members of the legislative body, the clerk or other personnel of the body, or of the public as a condition of participation in or for the purpose of establishing a quorum for a public meeting. Furthermore, the orders waived the requirement that local agencies provide notice of each teleconference location from which a member of the legislative body will be participating in a public meeting, waived the requirement that each teleconference location be accessible to the public, waived the requirement that members of the public be able to address the legislative body at each teleconference conference location, waived

the requirement that local agencies post agendas at all teleconference locations, and, waived the requirement that at least a quorum of the members of the local body participate from locations within the boundaries of the territory over which the local body exercises jurisdiction.

Under the orders, local agencies were still required to provide advance notice of each public meeting according to the timeframe otherwise prescribed by the Brown Act, and using the means otherwise prescribed by the Brown Act.

DISCUSSION:

Assembly Bill 361 provides local agencies with the ability to meet remotely **during proclaimed state emergencies** under modified Brown Act requirements, similar in many ways to the rules and procedures established by the Governor's Executive Orders.

Assembly Bill 361 solves the specific problem of what to do in circumstances when local agencies are holding their meetings remotely during an emergency and it would be unsafe to permit access to members of the public to the remote teleconference locations. Assembly Bill 361 permits local agencies to meet without making teleconference locations available to members of the public, **provided that** members of the public are afforded the opportunity to provide public comment remotely as well.

A local agency wishing to rely on the provisions of Assembly Bill 361 must meet one of the following criteria:

(A) The local agency is holding a meeting during a proclaimed state of emergency, and state or local officials have imposed or recommended measures to promote social distancing; or

(B) The local agency is holding a meeting during a proclaimed state of emergency for the purpose of determining, by majority vote, whether as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees; or

(C) The local agency is holding a meeting during a proclaimed state of emergency and has determined, by majority vote, that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

If a local agency passes a resolution by majority vote that meeting in-person during the state of emergency would present imminent risks to the health or safety of attendees, the resolution would permit meeting under the provisions of Assembly Bill 361 for a maximum period of 30 days. After 30 days, the local agency would need to renew its resolution, consistent with the requirements of Assembly Bill 361, if the agency desires to continue meeting under the modified Brown Act requirements or allow the resolution to lapse.

ALTERNATIVES:

1. The District could decide to not continue remote teleconference meetings under the modified Brown Act requirements that are provided by Assembly Bill 361.

IMPACTS (*Consider potential consequences related to each of the following areas of concern for proposed alternatives*):

- Fiscal – No known impact.
- Operational – No known impact.
- Legal – No known impact.
- Labor – No known impact
- Sociopolitical – No known impact.
- Policy – No known impact.
- Health and safety – No known impact.
- Environmental – No known impact.
- Interagency – No known impact.


RECOMMENDATION:

Staff is recommending the Board of Directors adopt Resolution # 2021 - 06.

APPROVED:



Josh I. Chrisman, Administration Officer



Date